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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

<b>GERALD CARLIN, et al.,</b>	)	<b>NO. 1:09-CV-00430-AWI-DLB</b>
	)	
<b>Plaintiffs,</b>	)	<b>ORDER VACATING</b>
	)	<b>AUGUST 31, 2009 HEARING</b>
<b>v.</b>	)	<b>DATE AND TAKING MATTER</b>
	)	<b>UNDER SUBMISSION</b>
<b>DAIRY AMERICA, INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
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Defendants’ motion to dismiss has been set for hearing in this case on August 31, 2009. The court has reviewed the papers and has determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of August 31, 2009, is VACATED, and the parties shall not appear at that time. As of August 31, 2009, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

**Dated:** August 26, 2009

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE