

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**BENEDICT CIPPONERI, JR., et. al.,** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **FDIC as Receiver for COUNTY BANK, et.)**  
 **al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**CIV-F-09-0688 AWI DLB**  
  
**ORDER VACATING HEARING  
DATE OF MARCH 8, 2010 AND  
TAKING MATTER UNDER  
SUBMISSION**

Defendant FDIC has made a motion to dismiss for lack of subject matter jurisdiction against both Plaintiff Benedict Cipponeri, Jr. and Plaintiff in Intervention Care West Insurance. Both Plaintiff Cipponeri and Plaintiff Care West filed oppositions. In reply, Defendant FDIC acknowledged that subject matter jurisdiction exists over Plaintiff Care West’s claims but reiterated the argument that subject matter jurisdiction is lacking in the case of Plaintiff Cipponeri. The court has reviewed the papers and has determined that the motions are suitable for decision without further oral argument. See Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of March 8, 2010, is VACATED, and no party shall appear at that time. As of that date, the court will take the matter under submission and will thereafter issue a decision.

IT IS SO ORDERED.

**Dated: March 4, 2010**

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