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

10 KINGSBURG APPLE PACKERS, et al.,) NO. 1:09-CV-00901 AWI DLB
11)
12 Plaintiffs,) ORDER VACATING
13 v.) JUNE 7, 2010 HEARING DATE
14 BALLANTINE PRODUCE CO., INC.,) AND TAKING MATTER
15 et al.,) UNDER SUBMISSION
16 Defendants.)
_____)

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18 Defendant Virgil Rasmussen's motion to dismiss has been set for hearing in this case on
19 June 7, 2010. The court has reviewed the papers and has determined that this matter is suitable
20 for decision without oral argument. Local Rule 78-230(h). Therefore, IT IS HEREBY
21 ORDERED that the previously set hearing date of June 7, 2010, is VACATED, and the parties
22 shall not appear at that time. As of June 7, 2010, the court will take the matter under submission,
23 and will thereafter issue its decision.

24 IT IS SO ORDERED.

25 **Dated: June 3, 2010**

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