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

<b>JEFFREY ALTMAN,</b>	)	<b>1:09-cv-1000 AWI SMS</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER VACATING</b>
	)	<b>SEPTEMBER 8, 2009,</b>
<b>v.</b>	)	<b>HEARING AND TAKING</b>
	)	<b>MATTERS UNDER</b>
<b>HO SPORTS COMPANY, INC., dba</b>	)	<b>SUBMISSION</b>
<b>HYPERLITE, and DOES 1 to 100,</b>	)	
	)	
<b>Defendants.</b>	)	

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Currently set for hearing and decision on September 8, 2009, are Defendant HO Sports’s motions to dismiss and motion to strike. The court has reviewed the moving papers and has determined that these matters are suitable for decision without oral argument. Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of September 8, 2009, is VACATED, and the parties shall not appear at that time. As of September 8, 2009, the Court will take Defendant’s motion to dismiss and motion to strike under submission and will thereafter issue its decision.

IT IS SO ORDERED.

**Dated: September 1, 2009**

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