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

JEFFREY ALTMAN,)	1:09-cv-1000 AWI SMS
)	
Plaintiff,)	ORDER VACATING
v.)	NOVEMBER 23, 2009,
)	HEARING AND TAKING
HO SPORTS COMPANY, INC., dba)	MATTERS UNDER
HYPERLITE, BEN SIMS, and DOES 1)	SUBMISSION
to 100,)	
)	
Defendants.)	

Currently set for hearing and decision on November 23, 2009, are Defendant HO Sports’s motion to dismiss and Plaintiff’s motion to dismiss. 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 November 23, 2009, is VACATED, and the parties shall not appear at that time. As of November 23, 2009, the Court will take the parties’ respective motions to dismiss under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: November 17, 2009

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