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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
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7 MARTELLA AUCTION COMPANY, INC.

Case No. 10-cv-00258-LJO-JLT

8 Plaintiff,

ORDER

9 vs.

10 TRI STATE CONSTRUCTION, INC.;  
11 MORTON ENGINEERING AND  
CONSTRUCTION, INC.; ROBERT L.  
12 MORTON; INTERNAL REVENUE  
SERVICE; EMPLOYMENT  
DEVELOPMENT DEPARTMENT OF THE  
13 STATE OF CALIFORNIA; TRI STATE  
COCRETE CONSTRUCTION, INC.; and  
14 DOES 2-10, inclusive,

15 Defendants.  
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18 Upon consideration of the Stipulation Regarding Dismissal of Martella Auction Company,  
19 Inc., and upon the deposit of the sum of \$114,249.09 with the Clerk of this Court, the receipt of  
20 which is hereby acknowledged, and for good cause shown, IT IS HEREBY ORDERED:

- 21 1. Martella Auction Company, Inc. is hereby dismissed with prejudice from this action  
22 without further cost to any party.  
23 2. Martella Auction Company, Inc. shall bear its own fees and costs in this action.

24 Dated: January 28, 2011

/s/ Lawrence J. O'Neill\_\_\_\_\_  
25 HON. LAWRENCE J. O'NEIL  
26 UNITED STATES DISTRICT COURT JUDGE  
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