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

MARTELLA AUCTION COMPANY,
INC.

CASE NO. CV F 10-0258 LJO JLT

Plaintiff,

**ORDER VACATING DISMISSAL
OF PLAINTIFF MARTELLA AUCTION**

vs.

TRI STATE CONSTRUCTION, INC.,
et al.,

Defendants.

_____ /

By stipulated order on January 28, 2011, this Court dismissed plaintiff Martella Auction based upon the condition of depositing the interplead funds with the Court.

The condition of interpleading the funds into the Court, as represented, has not been satisfied. Accordingly, pursuant to Rule 60, the Court SETS ASIDE and VACATES the dismissal of Martella Auction and REINSTATES Martella Auction as a party to this action.

IT IS SO ORDERED.

Dated: February 2, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE