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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARTELLA AUCTION COMPANY, INC.

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

Plaintiff,

ORDER

vs.

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

Defendants.

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

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

Dated: February 8, 2011.

/s/ Lawrence J. O’Neill _____
HON. LAWRENCE J. O’NEIL
UNITED STATES DISTRICT COURT JUDGE