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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**SIMON V. GARCIA, ROY VAN  
KEMPEN, CHRISTOPHER YANEZ, and  
EMMA YANEZ, on behalf of themselves  
and all others similarly situated,**  
  
**Plaintiff,**  
  
**v.**  
  
**GORDON TRUCKING, INC., a  
California corporation; STEVE  
GORDON, an individual, BOB  
GOLDBERG, an individual; and DOES 1  
through 20 inclusive,**  
  
**Defendants.**

**CASE NO. 1:11-CV-0324 AWI SKO  
ORDER VACATING HEARING  
DATE OF DECEMBER 5, 2011 AND  
TAKING MATTER UNDER  
SUBMISSION**

Defendants have made a motion to dismiss for failure to state a claim and a motion for partial summary adjudication. Docs. 86 and 106. Plaintiff Simon Garcia has made a motion for partial summary adjudication. Doc. 77. Oppositions and replies have been filed for all motions. The court has reviewed the papers filed and has determined that the motions are suitable for decision without further oral argument. See Local Rule 230(g).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of December

1 5, 2011, is VACATED, and no party shall appear at that time. As of that date, the court will take  
2 the matter under submission and will thereafter issue its decision.

3 IT IS SO ORDERED.

4 Dated: November 30, 2011

  
5 CHIEF UNITED STATES DISTRICT JUDGE

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