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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MARIA ARMENTA,

CASE NO. CV F 10-0593 LJO SMS

12 Plaintiff,

ORDER TO DISMISS DEFENDANT
(Doc. 9.)

13 vs.

14 ALLSTATE INDEMNITY COMPANY,

15 Defendant.
_____ /

16 Based on the parties' stipulation under F.R.Civ.P. 41(a)(1)(A)(ii), this Court DISMISSES this
17 action with prejudice as to defendant Dana Phillips only.

18 Dismissal of defendant Dana Phillips renders moot her motion to dismiss. As such, this Court
19 VACATES the May 12, 2010 hearing on the motion to dismiss and DIRECTS the clerk to term the
20 motion (doc. 5) but not to close this action.

21 IT IS SO ORDERED.

22 **Dated: April 27, 2010**

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