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

IN RE:
TIMOTHY JOHN HARDT and
MICHELLE RENE HARDT
Debtors.

1:10-CV-02014 AWI

**ORDER TERMINATING HERBERT
W. HARDT, DAVID BRANDON,
AND LISA PLANK AS
DEFENDANTS**

MARK DELL DONNE, individually, as a
participant in THE JOURNEY
ELECTRICAL TECHNOLOGIES, INC.
401K PLAN, and as trustee of THE
JOURNEY ELECTRICAL
TECHNOLOGIES, INC. 401K PLAN;
THE JOURNEY ELECTRICAL
TECHNOLOGIES, INC. 401K PLAN;
and THE JOURNEY ELECTRICAL
TECHNOLOGIES, INC., a California
corporation,

Plaintiffs,

v.

TIMOTHY JOHN HARDT, an individual;
MICHELLE RENE HARDT, and
individual, and DOES 1-200,

Defendants.

This adversary proceeding was withdrawn from the bankruptcy court by stipulation of the parties. Doc. 8. The court issued an order to show cause why the case should not be consolidated with related cases. Doc. 9. Based on the briefing by the parties, the court determined that

1 consolidation was not appropriate. Doc. 14. In the docket, the Defendants are listed as Herbert
2 W. Hardt, David Brandon, Lisa Plank, Timothy John Hardt, and Michelle Rene Hardt. Plaintiffs
3 have filed a notice of errata explaining that the wrong caption was used in their initial filing of
4 the case. Doc. 16. The caption of one of the related cases (which included Herbert W. Hardt,
5 David Brandon, and Lisa Plank as defendants) was used instead of the proper caption which
6 should only list Timothy John Hardt and Michelle Rene Hardt. The complaint includes no
7 causes of action against Herbert W. Hardt, David Brandon, and Lisa Plank.

8 It is ordered that Herbert W. Hardt, David Brandon, and Lisa Plank be removed as
9 defendants in this case.

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11 IT IS SO ORDERED.

12 Dated: September 2, 2011

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15 CHIEF UNITED STATES DISTRICT JUDGE
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