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

**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.)
HERBERT W. HARDT, an individual; L.)
DAVID BRANDON, an individual; LISA)
PLANK, an individual; and DOES 1-200,)
Defendants.)**

**1:10-CV-2341 AWI JLT
ORDER VACATING HEARING
DATE OF APRIL 4, 2011 AND
TAKING MATTER UNDER
SUBMISSION**

Defendants have filed a motion to dismiss for failure to state a claim. Plaintiffs oppose the motion. The court has reviewed the papers filed and has determined that the motion is suitable for decision without further oral argument. See Local Rule 230(g).

1 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of April 4,
2 2011, is VACATED, and no party shall appear at that time. As of that date, the court will take
3 the matter under submission and will thereafter issue a decision.

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5 IT IS SO ORDERED.

6 Dated: March 30, 2011


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8 CHIEF UNITED STATES DISTRICT JUDGE
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