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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 DECEMBER 5, 2011 AND
TAKING MATTER UNDER
SUBMISSION**

Defendants have made filed a motion to dismiss for failure to state a claim. Doc. 63.
Plaintiffs have filed an opposition. Doc. 68. Defendants have filed a reply. Doc. 73. 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).

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Therefore, IT IS HEREBY ORDERED that the previously set hearing date of December 5, 2011, is VACATED, and no party shall appear at that time. As of that date, the court will take the matter under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: November 30, 2011


CHIEF UNITED STATES DISTRICT JUDGE