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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

WILLIAM RAY JONES, SR.,)	1:12-cv-0633 AWI JLT
)	
Plaintiff,)	ORDER VACATING
)	HEARING DATE OF
v.)	OCTOBER 15, 2012, ON
)	DEFENDANT’S MOTION TO
LEHIGH SOUTHWEST CEMENT)	DISMISS AND TAKING
COMPANY, INC., a California)	MATTER UNDER
Corporation; and DOES 1-50,)	SUBMISSION
)	
Defendants.)	

In this action for damages by plaintiff William Ray Jones, Sr. (“Plaintiff”) against defendant Lehigh Southwest Cement Company (“Defendant”), Defendant has noticed a motion to dismiss Plaintiff’s Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure . The matter was scheduled for oral argument to be held October 15, 2012. The Court has reviewed Defendant’s motion, Plaintiff’s opposition, Defendant’s reply, the accompanying documents, and the applicable law, and has determined that the motion to dismiss is suitable for decision without oral argument. Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of October 15, 2012, is VACATED, and no party shall appear at that time. As of October 15, 2012, the Court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: October 11, 2012



CHIEF UNITED STATES DISTRICT JUDGE