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

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NADIA ROBERTS, et al.,

CASE NO. CV F 12-0724 LJO SKO

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Plaintiffs,

**ORDER TO VACATE HEARING AND TO
TERM MOTION**

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vs.

(Doc. 18.)

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UBS AG, et al.,

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Defendants.

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On November 19, 2012, defendant UBS AG filed its F.R.Civ.P. 12 motion to dismiss plaintiffs' original complaint and set a December 20, 2012 hearing. On December 13, 2012, plaintiffs filed their first amended complaint as a matter of course under F.R.Civ.P. 15(a)(1). As such, this Court:

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1. VACATES the December 20, 2012 hearing in that the first amended complaint renders moot the F.R.Civ.P. 12 motion to dismiss the original complaint;

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2. DIRECTS the clerk to term the F.R.Civ.P. 12 motion to dismiss the original complaint (doc. 18); and

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3. ORDERS UBS AG, no later than January 14, 2012, to file papers to respond to the first amended complaint.

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This Court will take no further action on the F.R.Civ.P. 12 motion to dismiss the original complaint (doc. 18).

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IT IS SO ORDERED.

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Dated: December 13, 2012**/s/ Lawrence J. O'Neill**

UNITED STATES DISTRICT JUDGE

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