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

**MARTINI E RICCI IAMINO S.P.A. -)
CONSORTILE SOCIETA AGRICOLA,)
an Italian Company,)
Plaintiff,)
v.)
TRINITY FRUIT SALES COMPANY,)
INC., a California Corporation, and)
DOES 1-20,)
Defendants.)**

**CASE NO. 1:13-CV-0276 AWI SAB
ORDER RE: MOTION TO DISMISS**

Defendant Trinity Fruit Sales Company, Inc. has filed a motion to dismiss. Doc. 7. Instead of filing an opposition, Plaintiff Martini E Ricci Iamino S.P.A. has filed a first amended complaint under Fed. Rule Civ. Proc. 15(a)(1). Doc. 10. Thus Defendant's motion to dismiss is DENIED as moot.

IT IS SO ORDERED.

Dated: May 1, 2013



SENIOR DISTRICT JUDGE