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3 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
4 **EASTERN DISTRICT OF CALIFORNIA**  
5

6 GARY HAWKINS

1:13-cv-0499-AWI-SKO

7 Plaintiff,

**ORDER VACATING HEARING  
DATE AND TAKING MATTER  
UNDER SUBMISSION**

8 v.

9 MEDTRONIC, INC.; MEDTRONIC  
10 SOFAMORE DANEK USA, INC.

11 Defendants.  
\_\_\_\_\_ /

12 On April 17, 2014, Defendants Medtronic Inc. and Medtronic Sofamor Danek USA, Inc.  
13 filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and a motion to  
14 strike pursuant to Federal Rule of Civil Procedure 12(f). The motions are set for hearing on June  
15 2, 2014. Plaintiff Gary Hawkins filed oppositions on May 19, 2014. Defendants filed their replies  
16 on May 23, 2014. Having reviewed the pleadings of record and all competent and admissible  
17 evidence submitted, the Court finds this matter suitable for decision without oral argument. *See*  
18 Eastern District Local Rule 230(g). The hearing date of June 2, 2014 is hereby VACATED and  
19 the parties shall not appear at that time. The Court will take the matter under submission and  
20 thereafter issue its decision.

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22 IT IS SO ORDERED.

23 Dated: May 27, 2014

  
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24 SENIOR DISTRICT JUDGE  
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