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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRISHA BUCK,

Plaintiff,

vs.

CEMEX, INC/, et al.,

Defendants.

CASE NO. CV F 13-0701 LJO GSA

**ORDER TO VACATE HEARING WITH
FILING OF REMAND MOTION**

(Docs. 8, 14)

On May 20, 2013, defendants filed their F.R.Civ.P. 12 motion to dismiss plaintiff's complaint (doc. 8) and set a June 25, 2013 hearing. On June 13, 2013, plaintiff's counsel advised this Court that he had not received defendants' motion to dismiss papers. Also on June 13, 2013, plaintiff filed her motion to remand (doc. 13), and the parties filed their stipulation to continue the June 25, 2013 hearing to July 2, 2013 (doc. 14). This Court does not rule on motions to dismiss until its jurisdiction and remand issues are settled. In addition, this Court's practice is to decide motions on the record without a hearing. As such, this Court:

1. VACATES the June 25, 2013 hearing on defendants' motion to dismiss and ORDERS the parties not to appear on June 25, 2013;

