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3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
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6 TALK N WIN, INC., et al.,

CASE NO. CV F 13-0971 LJO SMS

7  
8 Plaintiffs,

**ORDER TO VACATE HEARING WITH  
FILING OF AMENDED COMPLAINT**  
(Docs. 18, 21.)

9 vs.

10 KAMALA D. HARRIS, et al.,

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

13 On September 12 and 16, 2013, defendants filed their F.R.Civ.P. 12 motions to dismiss  
14 plaintiffs' original complaint and set an October 16, 2013 hearing. On October 7, 2013,  
15 plaintiffs filed their first amended complaint as a matter of course under F.R.Civ.P. 15(a)(1).  
16 As such, this Court:

- 17 1. VACATES the October 7, 2013 hearing in that the first amended complaint  
18 renders moot the F.R.Civ.P. 12 motions to dismiss the original complaint;  
19 2. DIRECTS the clerk to term the F.R.Civ.P. 12 motions to dismiss the original  
20 complaint (doc. 18 and 21); and  
21 3. ORDERS defendants, no later than October 30, 2013, to file and serve papers to  
22 respond to the first amended complaint.

23 This Court will take no further action on the F.R.Civ.P. 12 motions to dismiss the  
24 original complaint (doc. 18 and 21).  
25

26 IT IS SO ORDERED.

27 Dated: October 8, 2013

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE