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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADOBE LUMBER, INC., a California)
corporation,)
)
Plaintiff,)
)
v.)
)
HAROLD TAECKER, an individual, and)
GERALDINE TAECKER, an individual,)
)
Defendants.)
_____)
AND RELATED COUNTERCLAIM AND)
THIRD PARTY COMPLAINT.)
_____)

NO. CV S-02-186 GEB GGH
ORDER

On April 18, 2005, Third-Party Defendant Joseph Montalvo ("Montalvo"), general partner of the Woodland Shopping Center ("WSC"), "a dissolved California limited partnership [which] filed for bankruptcy in 1992," moved for summary judgment. Montalvo argues he is entitled to summary judgment because Defendants' claims arising from perchloroethylene releases at the WSC property from 1979 to 1989 were discharged in Montalvo's bankruptcy in 1994. (Mem. Supp. Summ. J. at 1-2.) No opposition to Montalvo's motion was filed.

Since the factual and legal assertions in Montalvo's motion have not been controverted, and Montalvo's specific averments stated

1 above show he is entitled to summary judgment on this ground, Montalvo
2 is granted summary judgment.

3 IT IS SO ORDERED.

4 Dated: May 24, 2005

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6 /s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
7 United States District Judge
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