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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARIA SOTO, et al.,	No. 2:06-cv-01612-MCE-DAD
Plaintiffs,	Consolidated with:
v.	No. 2:07-cv-02077-MCE-DAD
	No. 2:07-cv-00398-MCE-DAD
TU PHUOC NGUYEN, et al.,	No. 2:07-cv-01229-MCE-DAD
Defendants.	No. 2:07-cv-01231-MCE-DAD
	No. 2:07-cv-01255-MCE-DAD
	Related to:
	No. 2:07-cv-01630-MCE-DAD
	No. 2:07-cv-01934-MCE-DAD

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Plaintiffs initiated these actions seeking relief for injuries allegedly suffered as a result of a 2005 bus accident. Presently before the Court is an unopposed Motion to Dismiss filed by Defendant Tu Phuoc Nguyen. Defendant's Motion is granted in part and denied without prejudice in part.<sup>1</sup>

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<sup>1</sup> Because oral argument will not be of material assistance, the Court ordered this matter submitted on the briefing. E.D. Cal. Local Rule 78-230(h).

1 Defendant, who was recently discharged in bankruptcy, is the  
2 named insured on a \$50,000 Farmers Insurance Exchange automobile  
3 insurance policy, policy number 0165639192, which is his only  
4 known asset. There are multiple, conflicting demands being made  
5 against that policy, and Defendant is unable to determine the  
6 validity of the respective claims. Defendant himself has no  
7 interest in the funds.

8 Accordingly, Defendant Nguyen's request to interplead funds  
9 (Docket No. 161) is GRANTED, and Defendant is hereby ordered to  
10 deposit with the Clerk of the Court the entirety of the above  
11 insurance policy funds, \$50,000. Upon making such deposit, and  
12 upon renewing his instant Motion to Dismiss with the Court,  
13 Defendant Nguyen will be dismissed with prejudice from this  
14 action. Accordingly, until that time, Defendant's Motion to  
15 Dismiss itself (also Docket No. 161) is DENIED without prejudice.

16 IT IS SO ORDERED.

17 Dated: September 11, 2009

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20 MORRISON C. ENGLAND, JR.  
21 UNITED STATES DISTRICT JUDGE  
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