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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK BURKHART,

No. 2:09-cv-01695-MCE-EFB

Plaintiff,

v.

**ORDER**

KRAFT FOODS GLOBAL, INC.,  
and DOES 1 through 20,  
inclusive,

Defendants.

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Through the present lawsuit, Plaintiff Mark Burkhart ("Plaintiff") seeks damages as a result of his termination by Defendant Kraft Foods Global, Inc. ("Defendant") on or about August 20, 2008. Defendant now moves for partial judgment on the pleadings both with respect to Plaintiff's First Cause of Action, alleging wrongful termination in violation of public policy, and the Second Cause of Action, for breach of contract premised on a violation of California Labor Code § 1126.

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1 On October 12, 2009, Plaintiff filed a Statement of Non-  
2 Opposition to Defendant's Motion, pursuant to which Plaintiff  
3 conceded that the Motion was well-taken and that the First and  
4 Second Causes of Action should be dismissed, without leave to  
5 amend.

6 Given Plaintiff's Non-Opposition, and good cause appearing  
7 therefor, Defendant's Motion for Partial Judgment on the  
8 Pleadings is GRANTED,<sup>1</sup> with prejudice. The hearing on said  
9 Motion, presently scheduled for October 22, 2009, is accordingly  
10 off-calendar.

11 IT IS SO ORDERED.

12 Dated: October 16, 2009

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15 MORRISON C. ENGLAND, JR.  
16 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup> Because oral argument will not be of material assistance,  
28 the Court orders this matter submitted on the briefs. E.D. Cal.  
Local Rule 78-230(h).