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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

4522958 CANADA INC.,

Plaintiff,

No. CIV S-09-2983 KJM GGH

vs.

KY WHOLESALE, et al.,

Defendants.

ORDER

\_\_\_\_\_  
And Related Counter-Action

\_\_\_\_\_  
Presently pending on this court’s law and motion calendar for May 5, 2011, is plaintiff’s motion to compel discovery. After a telephone conference on May 3, 2011, and after reviewing the joint statement, the undersigned has determined that oral argument would not be of material assistance in determining the pending motion. Accordingly, the court will not entertain oral argument, and will determine the motion on the record, including the briefing in support of and in opposition to the pending motion. See E.D. Cal. L.R. 230(g).

A substantive ruling on, or vacating, the motion to compel will be issued expeditiously after the hearing on KY Wholesale’s motion to stay the case, presently scheduled for hearing before the district judge on May 11, 2011.

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Accordingly, IT IS ORDERED that:

1. The May 5, 2011 hearing on the motion to compel, filed April 26, 2011, is vacated; and
2. The motion is submitted on the record.

DATED: May 3, 2011

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:076  
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