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

TONY MARTINEZ,

Plaintiff,

No. 2:10-cv-01333 GEB KJN

v.

COLUMBIA SPORTSWEAR USA  
CORP. dba COLUMBIA SPORTSWEAR  
COMPANY #446 et al.,

Defendants.

ORDER


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On June 9, 2011, the undersigned conducted a hearing on plaintiff’s motion to compel a site inspection pursuant to Federal Rule of Civil Procedure 34, filed with respect to defendant New Balance Athletic Shoe, Inc. d/b/a New Balance #0015 (“New Balance”). (See Minutes, June 9, 2011, Dkt. No. 95.) For the reasons stated on the record at the hearing, the undersigned entered an order holding plaintiff’s motion to compel in abeyance in light of New Balance’s motion to dismiss/motion for summary judgment and plaintiff’s motion for relief pursuant to Federal Rule of Civil Procedure 56(d) then-pending before United States District Judge Garland E. Burrell, Jr. On June 16, 2011, Judge Burrell granted New Balance’s motion for summary judgment and entered judgment in favor of New Balance. (Order, June 16, 2011, Dkt. No. 98; Judgment, June 16, 2011, Dkt. No. 99.)

1                   In light of the order and judgment entered on June 16, 2011, IT IS HEREBY  
2 ORDERED that plaintiff's motion to compel a site inspection pursuant to Federal Rule of Civil  
3 Procedure 34 (Dkt. No. 90) is denied.

4                   IT IS SO ORDERED.

5 DATED: June 17, 2011

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8 KENDALL J. NEWMAN  
9 UNITED STATES MAGISTRATE JUDGE  
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