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

KIRK MATTHEW SCHULTZ et al.,

Plaintiffs,

CIV. NO. S-11-1796 MCE GGH PS

vs.

PETER W. KRAUSE et al.,

Defendants.

ORDER

Defendant Nationwide Mutual Insurance Company’s (“Nationwide”) motion to dismiss for lack of subject matter jurisdiction, failure to state a claim, and improper venue, and motion for a more definite statement (dkt. no. 16) is presently calendared for hearing on December 15, 2011. Plaintiffs failed to file an opposition to the motions. Having reviewed the record, the court has determined that oral argument would not be of material assistance in determining the pending motions. Accordingly, the court will not entertain oral argument, and will determine the motions on the record, including the briefing in support of the pending motions. See E.D. Cal. L.R. 230(g).

Also pending before the court is plaintiffs’ motion for an extension of time to change the “Named Defendant List” filed on November 2, 2011. (Dkt. No. 22.) One day prior to filing that motion, plaintiffs submitted a proposed amended “Named Defendant List” indicating

1 that plaintiffs wished to change the named defendants to Nationwide, Wells Fargo & Company,  
2 and David Letterman. (See Dkt. No. 18.) In its November 3, 2011 order, the court permitted  
3 plaintiffs to file a notice of dismissal of any defendants plaintiffs intended to dismiss from the  
4 action. (Dkt. No. 23.) The court's docket reveals that plaintiffs have since dismissed all  
5 defendants except defendants Nationwide, Wells Fargo & Company, Allied (PCRO) Wells Fargo  
6 & Company, and David Letterman. (Dkt. No. 24.) Therefore, plaintiffs' motion will be denied  
7 without prejudice as moot.

8 Accordingly, IT IS ORDERED that:

9 1. The December 15, 2011 hearing on Nationwide's motions (dkt. no. 16) is  
10 vacated and the motions are submitted on the record; and

11 2. Plaintiff's motion for an extension of time to change the "Named Defendant  
12 List" (dkt. no. 22) is denied without prejudice as moot.

13 DATED: December 8, 2011

14 /s/ Gregory G. Hollows  
15 UNITED STATES MAGISTRATE JUDGE

16 GGH/wvr  
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