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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY P. DEMARTINI and MARGIE)
DEMARTINI,)

Plaintiffs,)

v.)

MICHAEL J. DEMARTINI, RENATE)
DEMARTINI aka RENATE B.)
DEMARTINI, and Does 1 through)
15, inclusive,)

Defendants.)

MICHAEL J. DEMARTINI, RENATE)
DEMARTINI,)

Counterclaimants,)

v.)

TIMOTHY P. DEMARTINI and MARGIE)
DEMARTINI,)

Counterdefendants.)

Case No. 2:14-CV-02722 JAM-CKD

**ORDER WITHDRAWING MOTION TO
CERTIFY PARTIAL JUDGMENT,
AMENDED JUDGMENT, AND ORDER ON
COSTS**


Plaintiffs and Counterdefendants Timothy DeMartini and Margie DeMartini ("Plaintiffs") brought a Motion per FRCP 54(b) for certification of the Partial Judgment entered on April 30, 2018, Amended Judgment entered on May 4, 2018, and Order on Costs entered September 18, 2018 on Plaintiffs' cause of action for breach of

1 contract and to Defendants' Counterclaims in whole (ECF No. 392).
2 Defendants' Michael J. DeMartini and Renate B. DeMartini
3 ("Defendants") opposed this Motion (ECF No. 395) and pointed out in
4 the opposition that the Motion was unnecessary given the Court's
5 Amended Partial Judgment (ECF No. 347) filed on May 4, 2018.

6 Plaintiffs conceded that this Motion is unnecessary in their
7 reply (ECF No. 396). Accordingly, Plaintiffs' request to withdraw
8 this Motion is GRANTED. Defendants' request for a stay of the
9 present case is DENIED.

10 IT IS SO ORDERED.

11 Dated: November 27, 2018

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14 JOHN A. MENDEZ,
15 UNITED STATES DISTRICT JUDGE
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