

1 Chris Johnson Hamer,  
 State Bar No. 105752  
 2 Joshua R. Kaufman,  
 State Bar No. 225987  
 3 STOKES, ROWE, HAMER & KAUFMAN, LLP  
 381 Bayside Road  
 4 Arcata, CA 95521  
 Tele: (707) 822-1771  
 5 Fax: (707) 822-1901

6 Attorneys for Defendant  
 Justin Ladd, dba The Alibi  
 7 Restaurant & Cocktail  
 Lounge  
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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

|    |                              |   |   |
|----|------------------------------|---|---|
| 12 | ALYSSA MILLER                | ) | CASE NO. CV 08 5595                     |
| 13 |                              | ) |   |
| 14 | Plaintiff,                   | ) | ORDER ( <del>PROPOSED</del> ) TO VACATE |
| 15 | vs.                          | ) | DEFENDANT'S MOTION TO DISMISS           |
| 16 |                              | ) | OR, IN THE ALTERNATIVE, FOR A           |
| 17 |                              | ) | MORE DEFINITE STATEMENT                 |
| 18 |                              | ) |   |
| 19 | JUSTIN SHANE LADD, dba THE   | ) |   |
| 20 | ALIBI RESTAURANT & COCKTAIL  | ) |   |
| 21 | LOUNGE and DOES ONE to FIFTY | ) |   |
| 22 | INCLUSIVE,                   | ) |   |
| 23 |                              | ) |   |
| 24 | Defendants.                  | ) |   |

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21 Plaintiff Alyssa Miller having filed a first amended  
 22 complaint for injunctive relief and damages, the Court finds  
 23 that Defendant Justin Ladd's Motion to Dismiss or, in the  
 24 alternative, Motion for a More Definite Statement, is moot and  
 25 hereby vacates Defendant's motions.

26 Defendant shall file an answer or other responsive pleading  
 27 to the first amended complaint within 20 days of this order.

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IT IS SO ORDERED.

Dated: May 6, 2009



Honorable Nandor J. Vadas  
United States District Court Magistrate