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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

MATTHEW ELVEY, an individual, and
 GADGETWIZ, INC., an Arizona
 corporation, on their own behalf and on
 behalf of all others similarly situated,

Plaintiffs

v.

TD AMERITRADE, INC., a New York
 corporation, and DOES 1 to 100,

Defendants.

Case No. C 07 2852 MJJ

**[PROPOSED] ORDER GRANTING TD
 AMERITRADE’S MOTION TO DISMISS
 FIRST AMENDED COMPLAINT**

Judge: Martin J. Jenkins

Date: Tuesday, August 28, 2007

Time: 9:30 a.m.

Loc: Courtroom 11, 19th Floor

1 On Tuesday, August 28, 2007, Defendant TD Ameritrade's Motion to Dismiss the First
2 Amended Complaint came on regularly for hearing. Having considered the Motion and for good
3 cause shown,

4 **IT IS HEREBY ORDERED THAT:**

5 Defendant's Motion is granted.

6 The First Amended Complaint is hereby dismissed without prejudice. Plaintiffs have
7 30 days to file an amended pleading.

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9 IT IS SO ORDERED.

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12 Dated: _____, 2007

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MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

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