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

JOHN ERIC PERTH,
Plaintiff,

No. C 08-03115 CRB

ORDER

v.

LOUIS DAVIS and SUE ANN DAVIS,
Defendants.

Now pending before the Court is the motion of defendant Sue Ann Davis to dismiss the claim for conversion on the ground that plaintiff cannot state a claim as a matter of law. After carefully considering the parties' papers, the Court concludes that oral argument is unnecessary, see Local Rule 7-1(b), and DENIES the motion. The allegation that Ms. Davis and her husband converted \$404,876.00 of plaintiff's money to their own use, by, among other things, using it to repay a \$400,000.00 construction loan, Complaint ¶ 57, is sufficient to state a claim for conversion.

The parties are directed to appear for an initial case management conference at 8:30 a.m. on Friday, October 17, 2008.

IT IS SO ORDERED.

Dated: October 14, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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