

United States District Court  
For the Northern District of California

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

KFD ENTERPRISES, INC.,  
Plaintiff,  
v.  
CITY OF EUREKA, et al.,  
Defendants

No. C-08-4571 MMC

**ORDER GRANTING DEFENDANT  
FIRBIMATIC SpA'S MOTION TO  
DISMISS; VACATING JANUARY 15,  
2010 HEARING**

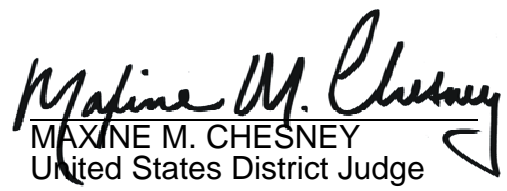
AND ALL RELATED CROSS-CLAIMS AND  
THIRD-PARTY CLAIMS

Before the Court is defendant Firbimatic SpA's motion, filed November 13, 2009, to dismiss plaintiff KFD Enterprises, Inc.'s ("KFD") Second Amended Complaint, for lack of proper service. On December 23, 2009, KFD filed a statement of non-opposition.

The Court having read and considered the motion, and good cause appearing, the motion is hereby GRANTED and the Second Amended Complaint, to the extent it is alleged as against Firbimatic SpA, is hereby DISMISSED without prejudice.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: December 23, 2009

  
MAXINE M. CHESNEY  
United States District Judge

<sup>1</sup>The January 15, 2010 hearing on the instant motion is hereby VACATED.