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United States District Court  
For the Northern District of California

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

KFD ENTERPRISES, INC.,

No. C 08-4571 MMC

Plaintiff,

**ORDER VACATING JUNE 15, 2012  
HEARING**

v.

CITY OF EUREKA,

Defendant.

\_\_\_\_\_ /


And Related Counterclaims, Cross-claims,  
and Third-Party Claims.

\_\_\_\_\_ /

Before the Court is defendant City of Eureka's ("City") motion, filed May 10, 2012, for leave to file a Fifth Amended Counter-Claim and Cross-Claim, by which the City seeks to add a claim under the Resource Conservation and Recovery Act. Plaintiffs KFD Enterprises, Inc. and Kenneth Daer have jointly filed opposition thereto, to which the City has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter appropriate for decision on the parties' written submissions, and hereby VACATES the hearing scheduled for June 15, 2012.

**IT IS SO ORDERED.**

Dated: June 13, 2012

  
MAXINE M. CHESNEY  
United States District Judge