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

ELLIOT ZEISEL,

Plaintiff,

No. C 10-01192 JSW

v.

**ORDER VACATING HEARING  
AND TERMINATING MOTION  
TO DISMISS AS MOOT**

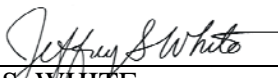
DIAMOND FOODS, INC.,

Defendant.

On May 28, 2010, Defendant filed a Motion to Dismiss Plaintiff's Complaint, which is set for hearing on July 9, 2010. On June 18, 2010, Plaintiff filed an Amended Complaint. Accordingly, the Court HEREBY TERMINATES AS MOOT the pending motion to dismiss and VACATES the July 9, 2010 hearing date.

**IT IS SO ORDERED.**

Dated: June 21, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California