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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

INTERNATIONAL UNION OF OPERATING
ENGINEERS, STATIONARY ENGINEERS
LOCAL 39 PENSION TRUST FUND,
individually and on behalf of all others similarly
situated,

No. C 11-03620 WHA

**ORDER DENYING MOTION
TO DISMISS AS MOOT**

Plaintiff,

v.

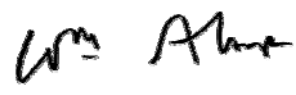
THE BANK OF NEW YORK MELLON
CORPORATION, *et al.*,

Defendants.

Pursuant to an order to elect, plaintiff elected to file an amended complaint by January 5, 2012. Plaintiff timely filed its amended complaint. Therefore the previously filed motion to dismiss is **DENIED AS MOOT**. The parties shall comply with the expedited briefing schedule for a joint motion to dismiss set forth in the order dated December 21, 2011 (Dkt. No. 65).

IT IS SO ORDERED.

Dated: January 6, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE