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8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11

13 **STEVEN R. VARNEY,**  
 14  
 Plaintiff,  
 15  
 v.  
 16  
 17 **CALIFORNIA HIGHWAY PATROL, et al.,**  
 18 Defendants.  
 19

CV 11 4193  
**NOTICE OF WITHDRAWAL OF  
 DEFENDANTS’ MOTION TO DISMISS**  
 Date: February 6, 2012  
 Time: 10:00 a.m.  
 Courtroom: 2 (17th Floor)  
 Judge: Honorable Thelton Henderson  
 Action Filed: August 24, 2011

20 TO THE COURT, THE PARTIES, AND THEIR ATTORNEYS OF RECORD:

21 WHEREAS the plaintiff filed this action on August 24, 2011;  
 22 AND WHEREAS the defendants were served with summons and complaint on or about  
 23 December 8, 2011;  
 24 AND WHEREAS on December 28, 2011, defendants filed a document entitled “Notice of  
 25 Motion And Motion To Dismiss Complaint Pursuant To Fed. R. Civ. P. 12(B)(1) By The  
 26 California Highway Patrol And Officer Defendants Sued In Their Official Capacity,”  
 27 (“Defendants’ Motion to Dismiss”);  
 28

1 AND WHEREAS Defendants' Motion to Dismiss is scheduled to be heard on February 6,  
2 2012 at 10:00 a.m. in Courtroom 2 of the above-entitled court;

3 AND WHEREAS as of today's date, the plaintiff has not filed any opposing papers to  
4 Defendants' Motion to Dismiss;

5 AND WHEREAS plaintiff's counsel filed an Amended Complaint in this action today,  
6 January 25, 2012;

7 AND WHEREAS the parties agree that Defendants shall have until Thursday, February  
8 16, 2012 to file an answer or other responsive pleading to the Amended Complaint;

9 WHEREFOR defense counsel hereby withdraws Defendants' Motion to Dismiss pursuant  
10 to Civil L.R. 7-7(e), and respectfully requests that the court take said motion off-calendar.

11 Dated: January 25, 2011

Respectfully submitted,

12  
13 KAMALA D. HARRIS  
14 Attorney General of California  
15 JOHN P. DEVINE  
16 Supervising Deputy Attorney General

17 /s/ Amy W. Lo

18 AMY W. LO  
19 Deputy Attorney General  
20 *Attorneys for Defendants*

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