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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 SHEILA HIDALGO and FERNANDO
6 HIDALGO,

No. C 12-5664 SI

7 Plaintiffs,

**ORDER GRANTING DEFENDANT'S
PARTIAL MOTION TO DISMISS
WITHOUT LEAVE TO AMEND;
VACATING HEARING**

8 v.

9 CL MEDICAL INC., et al.,

10 Defendants.
_____ /

11 On November 5, 2012, defendant CL Medical Inc. ("CL Medical") removed this case from San
12 Francisco County Superior Court. On November 13, 2012, CL Medical filed a motion to dismiss for
13 failure to state a claim under Fed. R. C. P. 12(b)(6) and for failure to plead fraud with particularity as
14 required by Fed. R. C. P. 9(b). The motion seeks dismissal only of count 6 (fraud), count 7 (fraud by
15 concealment) and count 8 (negligent misrepresentation) in plaintiffs' complaint.

16 On December 19, 2012, plaintiffs filed a statement of non-opposition to the motion.
17 Accordingly, pursuant to Local Rule 7-1(b), the Court determines that this matter is appropriate for
18 resolution without oral argument and VACATES the hearing scheduled for December 21, 2012. For
19 good cause shown, the Court GRANTS defendant's partial motion to dismiss WITHOUT LEAVE TO
20 AMEND.

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22 **IT IS SO ORDERED.**

23 Dated: December 20, 2012

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25 SUSAN ILLSTON
26 United States District Judge
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