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United States District Court
Northern District of California

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

<p>FIRST NATIONAL INSURANCE COMPANY OF AMERICA,</p> <p>Plaintiff,</p> <p>v.</p> <p>PERALTA COMMUNITY COLLEGE DISTRICT,</p> <p>Defendant.</p>
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Case No.: 12-cv-5943 JSC
ORDER RE: ORAL ARGUMENT (Dkt. No. 5)

Pending before the Court is Defendant’s Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(7), and alternative Motion to Dismiss in part pursuant to Rule 12(b)(6) and Motion to Strike portions of the Complaint (Dkt. No. 5). Hearing on this matter is set for January 31, 2013 at 9:00 a.m. At the hearing, the parties shall be prepared to address the impact of *Whittlestone, Inc. v. Handi-Craft Co.*, 618 F.3d 970, 976 (9th Cir. 2010) on Defendant’s Motion to Strike Plaintiff’s demand for attorneys’ fees.

IT IS SO ORDERED.

Dated: January 28, 2013



 JACQUELINE SCOTT CORLEY
 UNITED STATES MAGISTRATE JUDGE