

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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


SURFACE SUPPLIED, INC.,
Plaintiff,
v.
KIRBY MORGAN DIVE SYSTEMS, INC.,
Defendant.

No. C 13-0575 MMC
**ORDER VACATING DECEMBER 20,
2013 HEARING ON DEFENDANT'S
MOTION TO DISMISS AND MOTION TO
STRIKE**

Before the Court are defendant/counterclaimant Kirby Morgan Dive Systems, Inc.'s ("Kirby Morgan") Motion to Dismiss Counter-Defendant's Sixth and Seventh Causes of Action and Motion to Strike Counter-Defendant's Affirmative Defenses and First, Third, Fourth, and Fifth Causes of Action, both filed November 12, 2013. Plaintiff Surface Supplied, Inc. ("SSI") has filed opposition to each motion, to which Kirby Morgan has replied. Having read and considered the papers filed in support of and in opposition to the motions, the Court deems the matters suitable for decision thereon, and VACATES the hearing scheduled for December 20, 2013.

IT IS SO ORDERED.

Dated: December 17, 2013


MAXINE M. CHESNEY
United States District Judge