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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 WILLIAM J. WHITSITT,  
8 Plaintiff,

9 v.

10 WEST VALLEY STAFFING GROUP, et  
11 al.,  
12 Defendants.


Case No. [16-cv-00797-MMC](#)

**ORDER VACATING HEARING ON  
DEFENDANT TESLA MOTORS, INC.'S  
MOTION TO DISMISS PURSUANT TO  
FRCP 12(B)(3), 12(B)(6), AND 41(B)**

13 Before the Court is defendant Tesla Motors, Inc.'s ("Tesla") "Motion to Dismiss  
14 Pursuant to FRCP 12(b)(3), 12(b)(6), and 41(b)," filed September 21, 2016. Plaintiff  
15 William J. Whitsitt has filed opposition, to which Tesla has replied. Having read and  
16 considered the papers filed in support of and in opposition to the motion, the Court  
17 deems the matter appropriate for determination on the parties' respective written  
18 submissions, and hereby VACATES the hearing scheduled for January 13, 2017.

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20 **IT IS SO ORDERED.**

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22 Dated: January 6, 2017

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24 MAXINE M. CHESNEY  
25 United States District Judge  
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