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9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13	NAVJIT KAUR SIDHU, <i>et al.</i> ,	)	No. 08-CV- 5350 CW
14	Plaintiffs,	)	ORDER GRANTING
15	v.	)	<b>STIPULATED NOTICE OF</b>
16	EMILIA BARDINI, <i>et al.</i> ,	)	<b>WITHDRAWAL OF AMENDED</b>
17	Defendants.	)	<b>MOTION TO DISMISS</b>
18		)	

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20 Plaintiffs, by and through their attorney, Robert B. Jobe, and Defendants, by and through  
 21 their counsel of record, Sherease Pratt, hereby provide notice to the Court that the parties  
 22 stipulate, pursuant to L.R. 7-12, that Defendants withdraw their Motion to Dismiss and their  
 23 Amended Motion to Dismiss for lack of subject matter jurisdiction and/or for failure to state a  
 24 claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(1) and (6) which were  
 25 filed respectively on February 13, 2009, as docket entry number 8, and February 17, 2009, as  
 26 docket entry number 9. The grounds for such withdrawal are a change in the facts that took place  
 27 subsequent to the filing of the motions, which supersede such motions. On March 19, 2009,  
 28 Plaintiffs filed an Amended Complaint, docket entry number 12. Defendants intend to file a

NOTICE AND MOTION  
 No. C 08-5350 CW

1 response to the Amended Complaint on April 2, 2009.

2 Dated: March 27, 2009

3 Respectfully submitted,

4 DATED: March 27, 2009

5 DATED: March 27, 2009

6  
7 /s/ Robert B. Jobe \_\_\_\_\_  
ROBERT B. JOBE

8 MICHAEL F. HERTZ  
Acting Assistant Attorney General

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12 Attorneys for Plaintiffs

13 **s/ Sherease Pratt** \_\_\_\_\_  
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14 Attorneys for Defendants

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~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss and Amended Motion to Dismiss are withdrawn.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 3/30/09



\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT COURT JUDGE

1 **CERTIFICATE OF SERVICE**

2 Case No. 08-CV-5350 CW

3 I hereby certify that on this 27th day of March 2009, one copy of the foregoing *Notice of*  
4 *Withdrawal of Motion to Dismiss* and Proposed Order was served on counsel for the Plaintiffs  
5 via the district court ECF system which will send notification of such filing to the following ECF  
6 filers:

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**s/ Sherease Pratt**  
SHEREASE PRATT