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**United States District Court**  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NICOLA COVILLO,

No. C-11-00594 DMR

Plaintiff(s),

**ORDER VACATING HEARING AND  
DENYING PARTIES' STIPULATION  
TO CONTINUE HEARING AS MOOT**

v.

SPECIALTYS CAFE,

Defendant(s).

Pursuant to Local Rule 7-1(b), the court finds that it may determine Defendants' pending Motion to Dismiss Plaintiffs' Seventh Claim for Relief and to Dismiss Plaintiffs' Class and Collective Claims in Their Entirety, or in the Alternative, Strike Portions of Plaintiffs' First Amended Complaint [Docket No. 30] without oral argument. It therefore VACATES the hearing scheduled for December 22, 2011. The court also dismisses the parties' stipulation to continue the hearing [Docket No. 34] as moot.

IT IS SO ORDERED.

Dated: December 21, 2011

