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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES OF THE NATIONAL
ELEVATOR INDUSTRY HEALTH BENEFIT
PLAN,

Plaintiff,

No. C 11-5594 PJH

v.

**ORDER GRANTING MOTION
TO DISMISS**

GALLAGHER BASSETT SERVICES, INC.,
et al.,

Defendants.

_____ /

Defendant's motion to dismiss came on for hearing on March 21, 2012 before this court. Plaintiff the Board of Trustees of the National Elevator Industry Health Benefit Plan ("plaintiff") appeared through its counsel, Minh Hoang. Defendant Gallagher Bassett Services, Inc. ("defendant") appeared through its counsel, Anna Fabiano. Having read the papers properly submitted to the court and considered the relevant legal authority, the court hereby STRIKES plaintiff's belatedly filed opposition brief, and GRANTS defendant's motion to dismiss plaintiff's complaint, for the reasons stated at the hearing. Leave to amend is granted so that plaintiff may attempt to cure the deficiencies noted by the court. Plaintiff's amended complaint shall be due no later than April 18, 2012. Defendant's response thereto shall be due no later than May 9, 2012.

IT IS SO ORDERED.

Dated: March 21, 2012



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California