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\*\*E-Filed 9/30/08\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

KONSTANTINOS MOSHOGIANNIS,  
Plaintiff,  
v.  
USPROTECT CORPORATION,  
Defendant.

Case Number C 07-5128 JF (HRL)  
ORDER VACATING DEFENDANT’S  
MOTION TO DISMISS WITHOUT  
PREJUDICE  
[re docket no. 22 ]

On March 14, 2008, the Court heard argument with respect to the motion to dismiss brought by Defendant USProtect Corporation (“USProtect”). On March 19, 2008, USProtect filed notice that it was the subject of an involuntary bankruptcy petition and thus that this action was subject to an automatic stay under the Bankruptcy Code. There have been no further filings since that time. Accordingly, the Court HEREBY VACATES the pending motion to dismiss without prejudice to resubmission of the motion if and when USProtect notifies the Court that the automatic stay has been lifted.

IT IS SO ORDERED.

DATED: 9/30/08

  
JEREMY FOGEL  
United States District Judge

1 Copies of Order served on:

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