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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DAVID WEBB, Plaintiff, v. OLIVE GARDEN ITALIAN RESTAURANTS, ET AL., Defendants.	Case No.: C 08-04913 PVT **ORDER VACATING MAY 12, 2009 HEARING**

On April 6, 2009, defendant Olive Garden Italian Restaurants moved to dismiss the second amended complaint in the above-captioned action. ("Olive Garden"). Defendant noticed a hearing for May 12, 2009 at 10AM on its motion. Plaintiff David Webb opposes the motion. ("Webb").

Pursuant to Civ. L.R. 7-1(b), defendant's motion is taken under submission and the hearing scheduled to be held on May 12, 2009 is vacated.

IT IS SO ORDERED.

Dated: May 7, 2009

Patricia V. Trumbull

PATRICIA V. TRUMBULL
United States Magistrate Judge

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