

United States District Court
For the Northern District of California

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E-FILED on 4/15/10

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

LYNN T. VO,
Plaintiff,
v.
DOWNEY SAVINGS AND LOAN
ASSOCIATION, F.A.; et al.,
Defendants.

No. C-09-3985 RMW

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS SECOND
AMENDED COMPLAINT FOR LACK OF
JURISDICTION
[Re Docket No. 34]

Defendant moves to dismiss the second amended complaint for lack of jurisdiction. Plaintiff does not oppose dismissal on this ground. In view of plaintiff's acquiescence, the court finds that there is no need for a hearing or oral argument on the motion and the motion may be decided on the papers submitted. Accordingly, the April 23, 2010 hearing date is vacated and plaintiff's motion to appear by telephone at the hearing is denied as moot. For good cause appearing, defendants' motion to dismiss for lack of jurisdiction is granted. The dismissal is without prejudice.

DATED: 4/15/10

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

1 Notice of this document has been electronically sent to:

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10 Counsel are responsible for distributing copies of this document to co-counsel that have not
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12
13 Dated: 4/15/10

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Chambers of Judge Whyte

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