

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Waste Connections of California, Inc., d.b.a.
GreenTeam of San Jose,

NO. C 09-05345 JW

Plaintiff,

**ORDER GRANTING WITHDRAWAL OF
DEFENDANTS DOXA AND OLIVER'S
MOTION FOR DEFAULT JUDGMENT**

v.


DOXA Constr. and Dev., Inc., et al.,

Defendants.

Presently before the Court is Defendant Doxa's Motion for Entry of Default Judgment against Cross-Defendants Western States Erectors, Inc. and Joseph Benenati.¹ The Court conducted a hearing on June 14, 2010. At the hearing, counsel for Doxa requested to withdraw the Motion. The Court GRANTS Doxa's request to withdraw its Motion.

The Clerk shall terminate Docket Item No. 42 as withdrawn.

Dated: June 14, 2010



JAMES WARE
United States District Judge

¹ (hereafter, "Motion," Docket Item No. 42.) The Court refers to Defendants Doxa Construction and Development, Inc. and Roger Oliver collectively as "Doxa."

On May 17, 2010, the parties filed a letter requesting "guidance as to which, if any, claims by Doxa against Plaintiff have survived the [Court's April 15, 2010] Motion to Dismiss" and whether the Ninth Cause of Action had been dismissed. (See Docket Item No. 47.) The Court's April 15 Order clearly dismissed Doxa's First, Third, Fifth, Seventh and Ninth Causes of Action of the counter-claims against Plaintiff.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Andrew Lee Westover andrew@jhmlaw.com
3 Jose Hector Moreno jhmoreno@jhmlaw.com
4 Treven Isaac Tilbury ttilbury@downeybrand.com

5 **Dated: June 14, 2010**

Richard W. Wieking, Clerk

6
7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28