

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

E-FILED 01-18-2011

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAJ KUMARI SHARMA and KARTARI LAL SHARMA,

No. C10-04548 HRL

Plaintiffs,

**ORDER DENYING AS MOOT
DEFENDANT'S MOTION TO DISMISS
AND MOTION TO STRIKE**

v.

WACHOVIA, DOES 1-10,

[Re: Docket Nos. 25, 26]

Defendants.

_____ /

Before the court are defendant's motion to dismiss the complaint and motion to strike.¹ Plaintiffs timely exercised their right to amend their pleading once, as a matter of course. FED. R. CIV. P. 15(a)(1). Accordingly, defendant's motions are denied as moot, and the January 25, 2011 motion hearing is vacated.

SO ORDERED.

Dated: January 18, 2011



HOWARD R. LOTT
UNITED STATES MAGISTRATE JUDGE

¹ All parties have expressly consented that all proceedings in this matter may be heard and finally adjudicated by the undersigned. 28 U.S.C. § 636(c); FED. R. CIV. P. 73.

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

5:10-cv-04548-HRL Notice has been electronically mailed to:

Ali Nehme nehme29@sbcglobal.net

Frederick James Hickman fhickman@afrc.com, caguilar@afrc.com, dpandy@afrc.com,
jashley@afrc.com, npeters@afrc.com

Michael Rapkine mrapkine@afrc.com, bcruz@afrc.com, caguilar@afrc.com,
mflewelling@afrc.com, npeters@afrc.com, wsloane@afrc.com

Counsel are responsible for distributing copies of this document to co-counsel who have not
registered for e-filing under the court's CM/ECF program.