

United States District Court  
For the Northern District of California

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**\*E-FILED: February 22, 2013\***

NOT FOR CITATION  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

JOSHUA EMETERIO and JOHN P. FISCHER, No. C12-04296 HRL

Plaintiffs,

v.

**ORDER DISMISSING DEFENDANT  
BAY AREA RAPID TRANSIT DISTRICT  
WITHOUT PREJUDICE**

ASHRON CONSTRUCTION &  
RESTORATION, INC.; SAN FRANCISCO  
BAY AREA RAPID TRANSIT DISTRICT, a  
municipal organization; and SURETEC  
INSURANCE COMPANY,

Defendants.

On February 12, 2013, the parties appeared for an initial Case Management Conference. The discussion at the conference indicated that defendant Bay Area Rapid Transit District (BART) is not necessary to these proceedings, and plaintiffs stated their willingness to dismiss their claims as to that defendant. The court advised that, within a week after the conference, it would issue an order dismissing BART without prejudice, unless plaintiffs told the court otherwise. The court having received no information as to why BART should remain in this action, BART is hereby dismissed without prejudice.

SO ORDERED.

Dated: February 22, 2013

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
For the Northern District of California

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