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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**


KRISTAL SCHERER,  
  
vs.  
  
EDDIE BAUER, INC.,  
  
Plaintiff,  
  
Defendant.

CASE NO. 07cv2270 JM(AJB)  
ORDER DENYING MOTION TO  
DISMISS AS MOOT

In light of the January 23, 2008 filing of the first amended complaint, Plaintiff's motion to dismiss, presently calendared for February 8, 2008, is denied as moot.

**IT IS SO ORDERED.**

DATED: February 6, 2008

  
\_\_\_\_\_  
Hon. Jeffrey T. Miller  
United States District Judge

cc: All parties