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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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

DAVID HILDES, Individually and as  
Trustee of THE DAVID AND  
KATHLEEN HILDES 1999  
CHARITABLE REMAINDER  
UNITRUST DATED JUNE 25, 1999,

Plaintiff,

v.

JOHN J. MOORES; CHRISTOPHER A.  
COLE; RICHARD A. HOSLEY;  
CHARLES E. NOELL III; NORRIS  
VAN DEN BERG and THOMAS G.  
WATROUS SR.,

Defendants.

CASE NO. 08-CV-0008-BEN (RBB)

**ORDER:**

**(1) STAYING PROCEEDINGS**

**(2) DENYING AS MOOT  
MOTION TO DISMISS**

[Docket Nos. 135, 138]

For good cause, it is hereby **ORDERED** that:

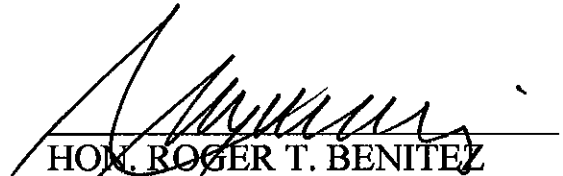
1. the parties' joint motion to stay (Docket No. 138) is hereby  
**GRANTED;**
2. all proceedings in this action and in this Court are stayed pending the  
Supreme Court's disposition of *Police & Fire Retirement System of*

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*City of Detroit v. IndyMac MBS, Inc.*, 721 F.3d 95 (2d Cir. 2013), cert. granted, 82 U.S.L.W. 3371 (U.S. Mar. 10, 2014) (No. 13-640);

3. this stay does not extend to the fully briefed petition for certiorari now pending in the United States Supreme Court in *Moore v. Hildes*, No. 13-791;
4. defendants' motion to dismiss dated March 17, 2014 (Docket No. 135) is **DENIED AS MOOT**, without prejudice; and
5. within 10 days of the Supreme Court's disposition of *IndyMac*, the parties shall submit a joint report to the Court regarding the status of this case.

Dated: April 16, 2014

  
HON. ROGER T. BENITEZ  
United States District Judge