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

MARSHALL SILVERSTEIN and KATHY MAHER,

Plaintiffs,

vs.

WACHOVIA MORTGAGE CORPORATION,

Defendant.


CASE NO. 09cv2938 JM(AJB)

ORDER DENYING MOTION TO DISMISS AS MOOT

In light of the filing of the operative amended complaint on February 12, 2010, the Clerk of Court is instructed to deny Defendant's motion to dismiss (Docket No. 5) as moot.

IT IS SO ORDERED.

DATED: February 23, 2010



Hon. Jeffrey T. Miller
United States District Judge

cc: All parties