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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WAGNER AERONAUTICAL, INC.;
MAMMOTH FREIGHTERS LLC;
WILLIAM WAGNER; and WILLIAM
TARPLEY,

Plaintiffs,

vs.

DAVID DOTZENROTH; SEQUOIA
AIRCRAFT CONVERSIONS, LLC; CAI
CONSULTING LTD; CHARLES WILEY
DOTZENROTH; ANDREW MANSELL;
STEVEN WELO; and DOES 1 through
50 inclusive,

Defendants

Case No.: 21cv0994-L-AGS

**ORDER DENYING MOTION FOR
PARTIAL JUDGMENT ON THE
PLEADINGS AS MOOT**

[ECF NO. 96]

Pending before the Court is Defendants' Motion for Partial Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c). [ECF No. 96.] Plaintiff

1 timely filed an amended complaint [ECF No. 132]. *See* Fed. R. Civ. Proc. 15(a)(1)(B).
2 "Rule 12(c) is functionally identical to Rule 12(b)(6) and ... the same standard of review
3 applies to motions brought under either rule." *See United States ex rel. Cafasso v. Gen*
4 *Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1054 n.4 (9th Cir. 2011) (internal quotation
5 marks and citations omitted). Accordingly, the Motion for Partial Judgment on the
6 Pleadings is denied as moot. *See Ramirez v. County of San Bernardino*, 806 F.3d 1002,
7 1008 (9th Cir. 2015).

8 **IT IS SO ORDERED.**

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10 Dated: January 7, 2022

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12 Hon. M. James Lorenz
13 United States District Judge
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