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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERGON ASPHALT & EMULSIONS, INC.,
Plaintiff(s),
vs.
CAPRIATI CONSTRUCTION CORP. INC., et al.,
Defendant(s).

Case No. 2:13-cv-01683-GMN-NJK
**ORDER VACATING HEARING &
DENYING MOTION TO WITHDRAW**

(Docket Nos. 38, 39, 43)

Pending before the Court is Defendants’ motion to withdraw motion and vacate the hearing set for November 5, 2014. Docket No. 43. Defendants’ counsel represents that the issues outlined in the motion to withdraw are resolved. *See* Docket Nos. 38, 43. Accordingly, Defendants’ motion to withdraw motion and vacate the hearing set for November 5, 2014 (Docket No. 43) is **GRANTED**. It is further ordered that the hearing set for November 5, 2014, at 2:00 p.m. (Docket No. 39) is hereby **VACATED** and Defendants’ motion to withdraw (Docket No. 38) is **DENIED** as moot.

IT IS SO ORDERED.
DATED: October 15, 2014



NANCY J. KOPPE
United States Magistrate Judge