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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TERENCE L. McCREARY, on Behalf of
Himself and All Others Similarly Situated,

Plaintiffs,

v.

AETNA LIFE INSURANCE COMPANY,

Defendant.

3:08-CV-00654-LRH-RAM

ORDER

Before the court is Defendant Aetna Life Insurance Company's Motion to Dismiss (#6¹). On August 27, 2010, the court entered an Order of Preliminary Approval (#40) regarding settlement of this case. Given that this matter is in settlement, the Motion to Dismiss will be denied as moot. Should settlement fail, however, this motion will be re-opened for decision.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (#6) is DENIED as moot.

IT IS SO ORDERED.

DATED this 27th day of September, 2010.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

¹Refers to the court's docket entry number