

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MINUTE ORDER

JUDGE: JEFFREY S. WHITE

COURTROOM DEPUTY: Jennifer Ottolini

DATE: January 4, 2008

Court Reporter: Lydia Zinn

CASE NO.: C-7-1429 JSW

TITLE: Michael B. Eshelman, D.D.S., et al., v. Orthoclear Holdings, Inc., et al.,

COUNSEL FOR PLAINTIFF:

Alan Sparer

COUNSEL FOR DEFENDANT:

**Charles Rice
Randall Bodner
Matthew Jacobs
Bernadine Stolar**

PROCEEDINGS: 1) Motion to Dismiss Counts III, V and VIII of Plaintiffs' 2nd Amended Class Action Complaint
2) Motion to Dismiss Second Amended Complaint
3) Motion for Joinder in Motion to Dismiss Second Amended Complaint filed by Christopher Kawaja
4) Initial CMC

RESULTS: *The Court tentatively GRANTS Defendant OrthoClear and the D&O Defendants' motion to dismiss without prejudice and GRANTS 3i and Badawi's motion to dismiss without prejudice.*

The Court heard argument from counsel.
The motions are taken under submission.
A written ruling shall issue.

The Court VACATED the Initial CMC, which will be reset, if necessary, by the Court.

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