

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INSTITUTE FOR FISHERIES  
RESOURCES, et al.,

Plaintiffs,

v.

SYLVIA MATHEWS BURWELL, et al.,

Defendants.

Case No. 16-cv-01574-VC

**ORDER RE MOTION FOR JUDGMENT  
ON THE PLEADINGS**

Re: Dkt. No. 64

The parties now agree the ninth claim may be dismissed without prejudice. Therefore, the ninth claim is dismissed without prejudice. The defendants also argue that the allegations in support of the ninth claim should be stricken from the operative complaint, but there is no reason to do that. This terminates Docket No. 64. The pleadings in this case are now settled. It's time to proceed to summary judgment.

**IT IS SO ORDERED.**

Dated: September 28, 2016



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VINCE CHHABRIA  
United States District Judge