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CHANNEL STAR EXCURSIONS, INC. and
BRIAN GERHART

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WAVERLY WALTON, SR. individually and as successor in interest to FRED WALTON, deceased,

Plaintiffs,

v.

CHANNEL STAR EXCURSIONS, INC.; BRIAN GERHART, individually and as a principal of CHANNEL STAR EXCURSIONS, INC.; RON COURSEY and Does 1 - 100,

Defendants.

2:05-cv-1737-MCE-PAN

ORDER GRANTING DEFENDANTS'S CHANNEL STAR EXCURSIONS, INC. AND BRIAN GERHART'S MOTION TO STRIKE PLAINTIFF'S DEMAND FOR JURY TRIAL

Date: December 21, 2005
Time: 9:00 a.m.
Dept.: 25

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Defendants CHANNEL STAR EXCURSIONS, INC. and BRIAN GERHART'S Motion to Strike Plaintiff's Demand for Jury Trial came on for regularly scheduled hearing before the Honorable Peter A. Nowinski on December 21, 2005 in the above-entitled Court. Antonio Lawson of the LAWSON LAW OFFICES appeared on behalf of plaintiff WAVERLY WALTON, SR. Peter A. Lindh and Marker E. Lovell, Jr. of GIBSON ROBB & LINDH LLP appeared on behalf of CHANNEL STAR EXCURSIONS, INC. and BRIAN GERHART After

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considering the moving and opposition papers, arguments of counsel and all other matters presented to the Court, IT IS HEREBY ORDERED that Defendants' Motion to Strike is hereby GRANTED on the following ground:

1. Plaintiff has no right to jury trial in this case, because the sole basis for this court's jurisdiction is admiralty.

IT IS SO ORDERED.

Dated: March 29, 2006

MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE