UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

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DUHN OIL TOOL, INC.,

Plaintiff,

VS.

CAMERON INTERNATIONAL CORP.,

Defendant.

CASE NO. 1:05-CV-01411-MLH-GSA

ORDER: 1) GRANTING MOTION FOR ÍDICATIVE RULING ON VACATUR; and 2) RELEASING APPEAL

[Doc. Nos. 818, 819.]

On December 19, 2013, pursuant to the terms of the parties' settlement agreement, the parties filed a joint motion for an indicative ruling as to whether the court would vacate its order of final judgement. (Doc. Nos. 818, 788.) Pursuant to Federal Rule of Civil Procedure 62.1 and Federal Rule of Appellate Procedure 12.1, the Court may consider a motion for relief that would otherwise be barred by a pending appeal.

The Court, for good cause shown, orders that if this case is remanded to the United States District Court for the Eastern District of California by the Court of Appeals, this Court will grant the parties' joint motion for vacatur pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, and proceed to vacate and set aside the

final judgment.

On November 28, 2012, Defendant Duhn Oil Tool, Inc. ("Defendant") posted an appeal bond of \$162,932.34. (Doc. No. 814.) On December 19, 2013, the parties filed a joint motion requesting the Court exonerate the bond, pursuant to the terms of the parties' settlement agreement. (Doc. No. 819.) The Court, for good cause shown, grants the parties' joint motion. Accordingly, the Court orders that the surety is released from any further liability on its bond, the surety's obligation has been fulfilled, and the bond is fully exonerated by this Court as to Traveler's Casualty and Surety Company of America bond number 105859869. The clerk of the Court is directed to release the bond recorded with this Court to Loeb & Loeb LLP for immediate return to Travelers.

IT IS SO ORDERED.

DATED: December 20, 2013

MARILYN L. HUFF, District Judge UNITED STATES DISTRICT COURT

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