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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 **SAMI MITRI,**

9 **Plaintiff**

10 **v.**

11 **WALGREEN COMPANY,**

12 **Defendant**

CASE NO. 1:10-CV-538 AWI SKO

ORDER CLOSING CASE

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15 On September 16, 2016, the Ninth Circuit issued an opinion in this matter. See Doc. No.
16 164. The Ninth Circuit affirmed in part, reversed in part, and remanded this Court’s decision
17 regarding Defendant’s renewed motion for judgment as a matter of law. See id. In relevant part,
18 the Ninth Circuit remitted the punitive damages award to \$352,000, and remanded the matter for a
19 “new trial if [Plaintiff] declines to accept [the Ninth Circuit’s] remittitur.” Id.

20 The Clerk of this Court reopened this case on September 19, 2016.

21 A review of the Ninth Circuit docket indicates that Plaintiff has accepted the Ninth’s
22 Circuit’s remittitur on September 30, 2016. See Ninth Circuit Docket in Case No. 14-17580,
23 Document No. 53.

24 On October 12, 2016, the Ninth Circuit issued its mandate. See Doc. No. 165.

25 On October 17, 2016, the Court ordered the parties to submit a joint status report. See
26 Doc. No. 166.

27 On October 24, 2016, Defendant submitted a status report. Defendant stated that the
28 parties agreed that a total award of \$442,204.40 was owed and should be paid on or before

1 November 15, 2016. See Doc. No. 168. The only issue that remained outstanding was Plaintiff's
2 requests for costs. See id. Once the issue of costs had been settled, the status report indicated that
3 the case could be closed. See id.

4 On October 25, 2016, Plaintiff filed a motion for a briefing schedule with respect to the
5 issue of costs. See Doc. No. 169. Plaintiff's request did not contradict any representation made in
6 Defendant's status report.¹ See id.

7 On November 4, 2016, the Clerk taxed costs to Plaintiff in the amount of \$7,320.12. See
8 Doc. No. 172. Neither Plaintiff nor Defendant has sought review of this award. See Local Rule
9 292(e) (party has seven days in which to seek review of the Clerk's cost award).

10 In light of the parties' agreement on the amount of judgment, and the resolution of
11 Plaintiff's motion for costs, it is appropriate to close this case.

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13 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall CLOSE this
14 case.

15 IT IS SO ORDERED.

16 Dated: November 29, 2016



17 SENIOR DISTRICT JUDGE

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¹ The Court denied Plaintiff's motion the following day. See id. at Doc. Nos. 170, 171.