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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**NICHOLAS MILLAN, on behalf of  
himself and other similarly situated,**

**Plaintiff**

**v.**

**CASCADE WATER SERVICES, INC.,  
and DOES 1 to 10 inclusive,**

**Defendant**

**CASE NO. 1:12-CV-1821 AWI GSA**

**ORDER ON FINDINGS AND  
RECOMMENDATION AND MOTION  
TO CERTIFY CLASS AFTER NOTICE  
OF WITHDRAWAL**

(Doc. Nos. 31, 36, 37)

On February 21, 2014, Plaintiff filed a motion for preliminary approval of class settlement. See Doc. No. 31. On February 9, 2015, the Magistrate Judge issued a Findings and Recommendation (“F&R”) that recommended denying Plaintiff’s motion. See Doc. No. 36. On February 19, 2015, Plaintiff filed a notice. See Doc. No. 37. The notice states that the parties do not intend to file objections to the F&R, that Plaintiff will withdraw his February 2014 motion for preliminary approval, and that the parties intend to file a new motion for preliminary approval of class settlement. See id. In light of Plaintiff’s notice, the Court will deny Plaintiff’s February 2014 motion as withdrawn, and decline to adopt the F&R due to mootness.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s motion for preliminary approval of class settlement (Doc. No. 31) is DENIED as withdrawn;

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- 2. The Court DECLINES to adopt the February 9, 2015 F&R (Doc. No. 36) as moot; and
- 3. Nothing in this order shall be construed as preventing the parties from filing a new motion for preliminary approval of class settlement, as indicated in the February 19 notice (Doc. No. 37).

IT IS SO ORDERED.

Dated: February 19, 2015

  
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SENIOR DISTRICT JUDGE