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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTH PACIFICA, LLC,

Plaintiff,

v.

CITY OF PACIFICA, *et al.*,

Defendants.

No. C-01-4823 EMC

**ORDER GRANTING DEFENDANTS’
APPLICATION FOR ORDER
DIRECTING REFUND OF DEPOSIT

(Docket No. 649)**

The City of Pacifica has asked for an order releasing to it the security deposit that it previously filed with the Court in the amount of \$783,505.56. *See* Docket No. 649. North Pacifica initially opposed the request because it had not yet decided at the time whether to file a petition for writ of certiorari with the Supreme Court. North Pacifica, however, has now orally informed the Court that it is not pursuing such a petition. Accordingly, North Pacifica does not oppose the release of the City’s deposit. *See* Opp’n at 2 (“If a decision is made not to pursue a petition for writ of certiorari to the U.S. Supreme Court, North Pacifica will stipulate to the release of the City’s deposit.”). Taking into account all of the circumstances, including North Pacifica’s lack of opposition, the Court hereby **GRANTS** Defendants’ application. The Court orders the Clerk of the Court to refund the deposit to the City.

IT IS SO ORDERED.

Dated: September 29, 2008



EDWARD M. CHEN
United States Magistrate Judge