

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DALE SAKAI,

No. C-06-2581 MMC

Plaintiff,

**ORDER OF DISMISSAL**

v.

MERRILL LYNCH LIFE INSURANCE  
COMPANY, et al.,

Defendants.

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The parties having agreed, at the May 19, 2009 Settlement Conference, to a settlement of the above-titled action,

IT IS HEREBY ORDERED that plaintiff's claims be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

**IT IS SO ORDERED.**

Dated: May 19, 2009

  
MAXINE M. CHESNEY  
United States District Judge