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

KATHLEEN MARY JONES,

No. C 06-3606 JCS (MEJ)

Plaintiff(s),

**ORDER VACATING HEARING RE:
PAYMENT**

vs.

LVR HOLDINGS,

Defendant(s).

On August 28, 2008, the Court held a hearing regarding the status of the parties' settlement agreement. Based on discussions at the hearing, the Court ordered Defendant Richard Cutshall to provide a valid cashier's check or electronic wire in the amount of \$45,000 to Third Party Ford Motor Credit by September 22, 2008. If Mr. Cutshall failed to provide payment, as per the parties' agreement, the Court declared that the settlement in this matter would be null and void, and the case would be referred back to Magistrate Judge Spero for disposition. The Court also scheduled a further status hearing on September 25, 2008 at 10:00 a.m.

The Court is now in receipt of the Declaration of Robert Scott Kenard, (Dkt. #165.), in which Mr. Kenard states that the wire transfer was executed on September 23, 2008, and that the transaction will become final by the close of business on September 25, 2008. Based on Mr. Kenard's declaration, it appears that a hearing on this matter is unnecessary. Accordingly, the Court

1 VACATES the September 25, 2008 hearing. Mr. Kenard shall e-file a further declaration by
2 September 26, 2008 at 10:00 a.m. regarding the status of the wire transfer. If the transaction is
3 complete at that time, the settlement shall remain in force. If payment is not complete, the Court
4 shall refer this matter to Magistrate Judge Spero for disposition.

5 **IT IS SO ORDERED.**

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7 Dated: September 24, 2008


8 MARIA-ELENA JAMES
9 United States Magistrate Judge

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2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 KATHLEEN MARY JONES,

6 Plaintiff,

7 v.

8 LVR HOLDINGS et al,

9 Defendant.

Case Number: CV06-03606 JCS

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on September 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Richard Cutshall
17 254 Onslow Place
18 West Vancouver, BC V7S 1K5

19 Dated: September 24, 2008

20 Richard W. Wieking, Clerk
21 By: Brenda Tolbert, Deputy Clerk