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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Dawn Rutherford,

Plaintiff,

vs.

Scene 7, Inc. Long Term Disability Plan,
Prudential Insurance Company of America,

Defendants.

) Case No. C 07-6426 WHA

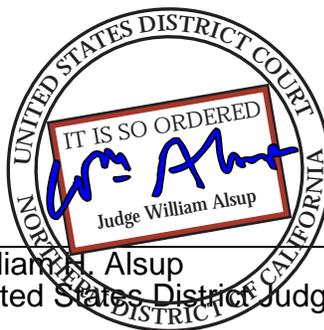
) **[PROPOSED] CONDITIONAL ORDER
OF DISMISSAL ; ORDER VACATING
PRE-TRIAL CONFERENCE**

) Hon. William H. Alsup

The parties hereto, by their counsel, having advised the court that they have agreed to a settlement of this cause,

IT IS HEREBY ORDERED that this cause be dismissed with prejudice; provided, however, that if any party hereto shall certify to the court, with proof of service of a copy thereon on opposing counsel, within 90 days from the date hereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

Dated: _ October 27, 2008 _____, 2008



William H. Alsup
United States District Judge

The pre-trial conference scheduled for October 27, 2008, is hereby vacated.