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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

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11	SCHENKER, INC.,)	CASE NO.: C 08 4182 (VRW)
)	
12	Plaintiff,)	AMENDED NOTICE OF
)	SETTLEMENT AND REQUEST FOR
13	v.)	240-DAY CONDITIONAL DISMISSAL;
)	PROPOSED SECOND ORDER
14	MOLLICOOZ, LLC,)	
)	
15)	
	Defendant.)	
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1 COMES NOW PLAINTIFF, SCHENKER INC. (“plaintiff”) and files this Notice of
2 Settlement and Request for 240-Day Conditional Dismissal as follows:

3 **NOTICE OF SETTLEMENT**

4 Plaintiff and defendant MOLLICOOLZ, LLC (“defendant”) have agreed to settle this
5 lawsuit over an extended period beyond that initially contemplated in 2008. The parties’
6 settlement should be funded in full by April 1, 2009.

7 **REQUEST FOR CONDITIONAL DISMISSAL**

8 Plaintiff requests the Court Order the case conditionally dismissed for 240 days from
9 November 6, 2008 to June 8, 2009 to permit the parties to execute their settlement (which is due
10 to be funded completely by April 2009) and to conserve judicial resources. One prior Order of
11 Conditional Dismissal for 120 days was signed on November 6, 2008: the proposed Second
12 Order of Conditional Dismissal will make the total period of the conditional dismissal 240 days.

13
14 Dated: 20 January 2009

LAW OFFICES OF GEORGE W. NOWELL

15 By: _____/s/ John H. Cigavic III_____

16 JOHN H. CIGAVIC III
17 Attorneys for plaintiff
18 SCHENKER, INC.

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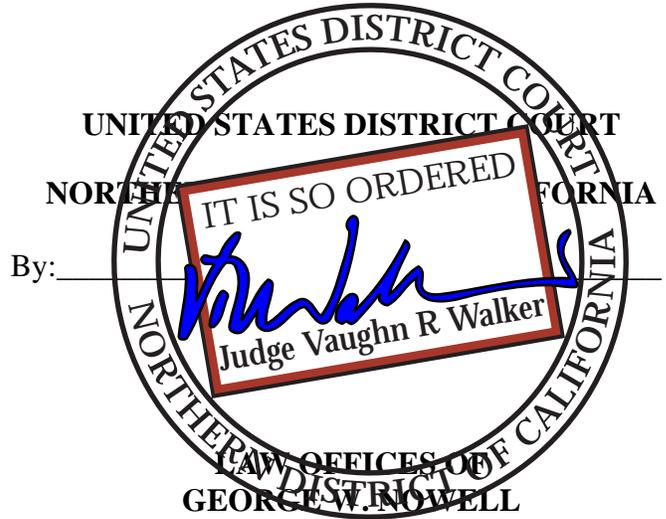
~~PROPOSED~~ SECOND ORDER

GOOD CAUSE APPEARING in plaintiff SCHENKER, INC.'s request for a 240-day conditional dismissal (240 days total, from the date of this Court's first Order of Conditional Dismissal dated November 6, 2008):

IT IS HEREBY ORDERED that this case be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within 240 days of November 6, 2008, on or before June 8, 2009, with proof of service of a copy thereof on opposing counsel, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: January 23, 2009



Prepared by:

Dated: 20 January 2009

By: /s/ John H. Cigavic III
JOHN H. CIGAVIC III
Attorneys for plaintiff
SCHENKER, INC.

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