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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)	
13	Plaintiff,)	NOTICE OF SETTLEMENT AND
14)	REQUEST FOR 120 DAY
15	v.)	CONDITIONAL DISMISSAL;
16)	PROPOSED ORDER
17	MOLLICOOZLZ, LLC,)	
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COMES NOW PLAINTIFF, SCHENKER INC. (“plaintiff”) and files this Notice of Settlement and Request for 120 Day Conditional Dismissal as follows:

NOTICE OF SETTLEMENT

Plaintiff and defendant MOLLICOOLZ, LLC (“defendant”) have agreed to settle this lawsuit. The parties’ settlement should be executed in full by January 2009.

REQUEST FOR CONDITIONAL DISMISSAL

Plaintiff requests the Court Order the case conditionally dismissed for 120 days to permit the parties to execute their settlement (which is due to be funded completely by January 2009) and to conserve judicial resources.

Dated: 3 November 2008

LAW OFFICES OF GEORGE W. NOWELL

By: _____ /s/ John H. Cigavic III _____

JOHN H. CIGAVIC III
Attorneys for plaintiff
SCHENKER, INC.

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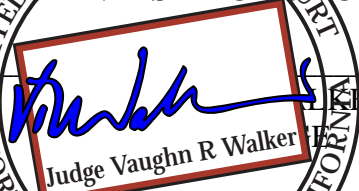
~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING in plaintiff SCHENKER INC.'s request for a 120 day conditional dismissal:

IT IS HEREBY ORDERED that this case be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within 120 days, with proof of service of a copy thereon 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: November 6, 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
By: 
JUDGE
JUDGE VAUGHN R WALKER
NORTHERN DISTRICT OF CALIFORNIA

Prepared by:

Dated: 3 November 2008

LAW OFFICES OF GEORGE W. NOWELL
By: /s/ John H. Cigavic III
JOHN H. CIGAVIC III
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SCHENKER, INC.