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6
 7 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 CONDIES FOODS, INC.,

CASE NO. C09-05674 VRW

9 Plaintiff,

**STIPULATION REQUESTING THAT
ORDER OF DISMISSAL BE VACATED**

10 v.

11 POPLAR VILLAS, LLC dba ISIS AND
 12 SANFORD; POPLAR VILLAS, LLC dba
 ISIS FOOD; ISIS FOOD COMPANY;
 13 HUSSEIN TAWFIK; and DOES 1 through
 14 10,

15 Defendants.

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16 Plaintiff Condies Foods, Inc. ("Condies Foods") and Defendants Poplar Villas, LLC dba
 17 Isis and Sanford, Poplar Villas, LLC dba Isis Food, Isis Food Company, and Hussein Tawfik
 18 ("Defendants") stipulate and agree to the following:

19 1. The parties settled this action at a mediation session on June 2, 2010; however,
 20 the paperwork necessary to effectuate the agreement was not completed until just recently. In
 21 the meantime, however, on June 22, 2010, the court entered the following Order:

22 "ORDER OF DISMISSAL. Having advised the court that the parties have
 23 agreed to a settlement; IT IS HEREBY ORDERED that this cause of
 24 action be dismissed with prejudice, provided, however, that if any party
 hereto shall certify to this court, within ninety days, with proof of service
 of a copy thereof that the agreed consideration for said settlement has not
 been delivered over, the foregoing order shall stand vacated and this cause

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1 shall forthwith be restored to the calendar to be set for trial.”

2 2. Concurrently with the filing of this Stipulation, the parties have filed a Stipulation
3 for Entry of Judgment; [Proposed] Order, Judgment, and Judgment in the Event of Default under
4 the Stipulation, in which the parties propose a complete dismissal of the action, but with the
5 Court retaining exclusive jurisdiction to enforce and interpret the Order and Judgment and the
6 Stipulation for Entry of Judgment

7 3. Consequently, the parties respectfully request that the Court vacate its Order of
8 Dismissal entered on June 22, 2010, and consider for approval the Stipulation for Entry of
9 Judgment; [Proposed] Order, Judgment, and Judgment in the Event of Default, which is filed
10 concurrently with this Stipulation.

11 **IT IS SO STIPULATED & AGREED:**

12 Date: July ____, 2010

RYNN & JANOWSKY, LLP

13
14 /s/ Marion I. Quesenberg_____
Marion I. Quesenberg

15 Attorneys for Plaintiff Condis Foods, Inc.

16 Date: July ____, 2010

KOUNS, QUINLIVAN & SEVERSON

17
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19 _____
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24 Attorney for Defendants Poplar Villas, LLC dba Isis
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Food Company, and Hussein Tawfik

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shall forthwith be restored to the calendar to be set for trial.”

2. Concurrently with the filing of this Stipulation, the parties have filed a Stipulation for Entry of Judgment; [Proposed] Order, Judgment, and Judgment in the Event of Default under the Stipulation, in which the parties propose a complete dismissal of the action, but with the Court retaining exclusive jurisdiction to enforce and interpret the Order and Judgment and the Stipulation for Entry of Judgment

3. Consequently, the parties respectfully request that the Court vacate its Order of Dismissal entered on June 22, 2010, and consider for approval the Stipulation for Entry of Judgment; [Proposed] Order, Judgment, and Judgment in the Event of Default, which is filed concurrently with this Stipulation.

IT IS SO STIPULATED & AGREED:

Date: July __, 2010

RYNN & JANOWSKY, LLP

/s/ Marion I. Quesenbery
Marion I. Quesenbery

Attorneys for Plaintiff Condis Foods, Inc.

Date: July 16, 2010

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IT IS SO ORDERED. The Order of Dismissal entered on June 22, 2010, is vacated.

August 13, 2010

Date: ~~July __, 2010~~

U.S. District Court

U.S. District Court
Northern District of California
Judge Vaughn R Walker

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