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8 Attorneys for Defendants SIMPLY GREEN, INC, a California
 9 corporation; STEVEN LYNCH MUSSER and MAUREEN
 10 GILBERT

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 JEAN RIKER,

14 Plaintiff,

15 v.

16 THE INN AT SCHOOLHOUSE CREEK;
 17 SIMPLY GREEN, INC.; PETER P. BLASKO;
 18 PETER P. BLASKO TRUST; DOE TRUSTS 1
 19 through 5; DOES TRUSTS 6 through 10;
 20 STEVEN LYNCH MUSSER; JOANNE
 21 A.TYBINK; STEVEN MUSSER; MAUREEN
 22 GILBERT; and DOES 11 THROUGH 50,
 23 Inclusive,

24 Defendants.

CASE NO. CV 10 1056 EMC

**DEFENDANTS' UNOPPOSED MOTION
 FOR AN ORDER ALLOWING THE
 CONFIDENTIAL SETTLEMENT TO BE
 FILED UNDER SEAL; ~~PROPOSED~~
 ORDER**

Complaint filed: March 12, 2010
 Trial date: none set

25 The parties are pleased to report that they reached a complete settlement in all
 26 respects, including Plaintiff's claims for injunctive relief, statutory damages, and reasonable statutory
 27 attorney fees, litigation expenses and costs. The parties have now memorialized the settlement
 28 through a Confidential Settlement Agreement. The Settlement Agreement contemplates that the
 Court will retain jurisdiction of the case under General Order 56 for enforcement and interpretation.
 The parties request that the Court permit the Confidential Settlement Agreement be filed with the
 Court under seal.

**[PROPOSED] ORDER ALLOWING PARTIES TO FILE CONFIDENTIAL
 SETTLEMENT AGREEMENT UNDER SEAL**

The parties have reached a complete settlement in all respects, including Plaintiff's

JMBM Jeffer Mangels Butler & Mitchell LLP

1 claims for injunctive relief, statutory damages, and reasonable statutory attorney fees, litigation
2 expenses and costs. The parties have now memorialized the settlement through a Confidential
3 Settlement Agreement. The parties request that the Court permit the Confidential Settlement
4 Agreement be filed with the Court under seal.

5 DATED: August 19, 2010

JEFFER MANGELS BUTLER & MITCHELL LLP
MARTIN H. ORLICK
MATTHEW S. KENEFICK

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8 By: /s/ Martin H. Orlick

MARTIN H. ORLICK
Attorneys for Defendants SIMPLY GREEN, INC, a
California corporation; STEVEN LYNCH MUSSER
and MAUREEN GILBERT

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12 **APPROVED AS TO FORM AND CONTENT:**

13 DATED: August 19, 2010

THIMESCH LAW OFFICES
TIMOTHY S. THIMESCH
GENE FARBER

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16 By: /s/ Signature Authorized
Attorneys for Plaintiff JEAN RIKER

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18 Pursuant to Federal Rules of Civil Procedure, Rule 26 (c), and by agreement of
19 counsel hereto,

20 **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

21 1. Plaintiff Jean Riker filed this action on March 12, 2010, by Agreement of the
22 parties, this Action has been settled in all respects. The parties have agreed to request the Court
23 retain jurisdiction to enforce the settlement under General Order 56.

24 2. This litigation concerns disabled access claims . The Settlement Agreement
25 is confidential and the parties have not previously disclosed its terms to the public.

26 3. Plaintiff does not oppose this motion to filing the Settlement Agreement
27 under seal. On August 1, 2010, plaintiff submitted Plaintiff's Request for Dismissal With Prejudice
28 and with Retained Jurisdiction to Interpret and Enforce Settlement Agreement. [Proposed Order].

1 (Dkt 18].

2 4. On August 9, 2010, the Court entered its Order Directing Parties to Submit a
3 Copy of Settlement Agreement by August 20, 2010.

4 5. The parties request the Court maintain continuing jurisdiction to Interpret and
5 Enforce the Settlement Agreement.

6 **ORDER**

7 1. The motion to file under seal is hereby DENIED as moot; by its Order of August 9, 2010, the
8 Court required the parties to submit the settlement but did not require that it be filed.

9 2. The request for continuing jurisdiction has been granted by separate order filed concurrently
10 herewith.

11 DATED: August 27, 2010

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13 _____
14 HONORABLE MAXINE M. CHESNEY
15 JUDGE OF U.S. DISTRICT COURT

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