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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 BURT XAVIER,

No. C-10-02067 WHA (EDL)

9 Plaintiff,

**ORDER VACATING SETTLEMENT
CONFERENCE**

10 v.

11 PHILIP MORRIS USA INC.,

12 Defendant.
13 _____/

14 On November 1, 2010, Defendant's counsel requested that the settlement conference
15 currently scheduled for March 16, 2011 be taken off calendar in light of the class certification
16 motion briefing schedule. Good cause appearing, the settlement conference date is vacated. No
17 later than ten days after Judge Alsup issues his ruling on class certification, the parties shall file a
18 joint letter informing the Court of his decision. Thereafter, the Court will schedule separate
19 telephone conferences with the parties to discuss settlement proceedings.

20 **IT IS SO ORDERED.**

21 Dated: November 4, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge