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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4

5 KIRK ODAY,

No. C 10-02333 SI

6 Plaintiff,

**ORDER OF DISMISSAL UPON
SETTLEMENT**

7 v.

8 BOVIE MEDICAL CORPORATION,

9 Defendant.
10 _____/

11 The parties to the action, by their counsel, have advised the court that they have agreed
12 to a settlement.

13 IT IS HEREBY ORDERED that this matter is DISMISSED WITH PREJUDICE. However, that
14 if any party hereto certifies to this court, with proof of service of a copy thereon on opposing counsel,
15 within ninety days from the date hereof, that settlement has not in fact occurred, the foregoing order
16 shall be vacated and this cause shall forthwith be restored to the calendar for further proceedings.

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18 Dated:



19 SUSAN ILLSTON
20 United States District Judge
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