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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

No. C 12-01702 JSW

v.

JESUS SERGURA,

Defendant.

**ORDER RE NOTICE TO  
WITHDRAW PLAINTIFF'S  
NOTICE OF SETTLEMENT**

On March 19, 2013, Plaintiff filed a notice that the "Notice of Settlement previously filed on August 21, 2012 (ECF No. 16) is hereby withdrawn. Plaintiff[] respectfully requests that this action be reinstated on the Court's trial calendar forthwith." (Docket No. 23 at 1:21-23.) However, on September 25, 2012, this Court granted a stipulation to dismiss this case without prejudice. (Docket No. 21.) The parties stipulated that "provided no Party referenced above *has filed a motion to reopen* this action by November 15, 2013, the dismissal shall be deemed with prejudice." (*Id.* at 2:1-3 (emphasis added).)

Therefore, if Plaintiff seeks to reopen this case and have it placed back on the Court's trial calendar, it should follow the procedures it contemplated in the Stipulation of Dismissal. That is, Plaintiff should filed a properly noticed motion to reopen this case and shall set forth the factual and legal bases on which it seeks to reopen the matter.

**IT IS SO ORDERED.**

Dated: March 20, 2013

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE