

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Christopher B. Dolan (SBN 165358)  
Michael J. DePaul (SBN 231641)  
**THE DOLAN LAW FIRM**  
The Dolan Building  
1438 Market Street  
San Francisco, CA 94102  
Tel: (415) 421-2800  
Fax: (415) 421-2830  
chris@cbdlaw.com  
michael.depaul@cbdlaw.com

Attorneys for Plaintiff  
ANTHONY MALOCO

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION**

ANTHONY MALOCO,  
Plaintiff,

v.

PROMETRIC, INC., a Delaware Corporation;  
FRANK BOYLE, an individual; and DOES 1-50,  
inclusive,  
Defendants.

Case No.: C 13-00238 NC

**NOTICE OF CONDITIONAL  
SETTLEMENT OF ENTIRE CASE AND  
STIPULATED REQUEST FOR ORDER  
FOR RELIEF**

1 The Parties to the captioned-action have reached a Settlement Agreement that resolves all  
2 disputes between Plaintiff Anthony Maloco ("Plaintiff") and Defendants Prometric, Inc. and Frank  
3 Boyle ("Defendants"). The terms of the Settlement Agreement shall be performed within the next  
4 thirty five (35) days. Therefore, the Parties respectfully request that the Court enter a conditional  
5 dismissal of this action without prejudice and order Plaintiff to file a dismissal with prejudice  
6 immediately upon performance of the terms of the Settlement Agreement.

7 The Parties also respectfully request that, under the circumstances, the Court relieve them from  
8 filing motions in limine and any other required filings, and to vacate the pre-trial conference set for  
9 February 12, 2014 and the trial date set for February 24, 2014, to relieve the Court of any burden  
10 related to this case while the Parties complete the terms of the Settlement Agreement as identified  
11 herein.

12  
13  
14 **SO STIPULATED:**

15 DATED: February 7, 2014

**THE DOLAN LAW FIRM**

16  
17  
18 By: \_\_\_\_\_ /s/ \_\_\_\_\_  
19 CHRISTOPHER B. DOLAN  
MICHAEL J. DEPAUL  
Attorneys for Plaintiff

20  
21  
22 DATED: February 7, 2014

**ALLEN MATKINS**

23  
24 By: \_\_\_\_\_ /s/ \_\_\_\_\_  
25 MIKE BETZ  
26 ALEXANDER NESTOR  
Attorney for Defendants

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Based on Stipulation of the Parties, the Court orders as follows:

1. The Parties are relieved from filing motions in limine and any other required filings;
2. The Court vacates the pre-trial conference set for February 12, 2014 and the trial date set for February 24, 2014;
3. Plaintiff shall file a dismissal of the entire action with prejudice immediately upon performance of the terms of the Settlement Agreement.

This action and all claims asserted herein are dismissed without prejudice. In the event that the terms of the settlement are not performed, any party may move to reopen the case and the trial will be rescheduled, provided that such motion is filed within 45 days of this order.

**IT IS SO ORDERED.**

DATED: February 7, 2014

