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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAPU GEMS, et al.,
Plaintiff,
v.
DIAMOND IMPORTS, INC., et al.,
Defendants.

DIAMOND IMPORTS, INC.,
Counterclaimant,
v.
KAPU GEMS, et. al.,
Counterdefendants.

Case No. 15-cv-03531-MMC

ORDER OF DISMISSAL

Before the Court is the Joint Status Report, filed April 14, 2017, in which the parties to the above-titled action apprise the Court that they have “formalized and executed a written Settlement Agreement and Release . . . and Stipulation for Entry of Judgment.” (See Joint Status Report, at 1:20-21.) The parties represent that their agreement includes the following provision:

The Court Action is dismissed pursuant to the stipulation of dismissal and settlement agreement the parties reached on the record in open court on February 15, 2017. The Court retains jurisdiction for the Entry of Judgment and as to any disputes regarding the agreement reached between the parties on the record in open court on February 15, 2017 and this Settlement Agreement. Pursuant to 28 U.S.C. §636(c), the parties consent to Chief Magistrate Judge Joseph C. Spero having sole and exclusive jurisdiction of any dispute arising between the parties regarding the drafting and execution of this Agreement, the Entry of Judgment, and the agreement reached between the parties on the record in open court on February 15, 2017. In the event Chief Magistrate

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Spero cannot serve in this capacity for any reason, the parties stipulate to the designation by the Court of a Judge to replace Chief Magistrate Spero. The parties further agree to waive any right to appeal any decision of Chief Magistrate Judge Spero or his successor regarding the drafting and execution of this Agreement.

(See id. at 2:7-15 (quoting parties' agreement).)

In light of the parties' agreement, the instant action is hereby DISMISSED with prejudice and the Court hereby RETAINS jurisdiction for the limited purposes set forth above.

IT IS SO ORDERED.

Dated: April 17, 2017


MAXINE M. CHESNEY
United States District Judge