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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL FITZ-GERALD,
Plaintiff,
v.
METROPOLITAN LIFE INSURANCE
COMPANY,
Defendant.

Case No. [3:17-cv-02838-JD](#)


**ORDER CONDITIONALLY
DISMISSING CASE**

The Court is advised that the parties have reached a settlement agreement. Re: Dkt. No. 28. Consequently, the Court vacates all pretrial deadlines and dismisses this case without prejudice. If any party certifies to the Court within **45** days from the date of this order that the agreed consideration for the settlement of this action has not been delivered, this order will be vacated and the case will be set for a case management conference. If no certification is filed, the dismissal will be deemed to be **with prejudice** after 45 days.

The parties are directed not to ask the Court for a “dismissal with prejudice” at any time after this order, or to ask for an order confirming dismissal under FRCP 41(a)(1). No Court order is necessary for dismissal under that rule.

IT IS SO ORDERED.

Dated: November 9, 2017



JAMES DONATO
United States District Judge