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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 KIMBERLY BEAGLE,

8 Plaintiff(s),

No. C 08-01517 PJH

9 v.

ORDER OF DISMISSAL

10 RITE AID CORPORATION,

11 Defendant(s).
12 _____/

13 The court having been advised by Magistrate Judge James following a settlement
14 conference, that the parties have agreed to a settlement of this case,

15 IT IS HEREBY ORDERED that this case is dismissed **without** prejudice; however,
16 if any party hereto shall certify to this Court, with proof of service of a copy thereof to the
17 opposing party, within sixty (60) days from the date of this order, that the agreed
18 consideration for said settlement has not been delivered over, the foregoing order shall
19 stand vacated and this case shall forthwith be restored to the Court's calendar to be set for
20 trial.

21 If no certification is filed, after passage of sixty (60) days, the dismissal shall be **with**
22 prejudice.

23 The December 10, 2009 date for pretrial conference and the January 25, 2010 date
24 for trial are VACATED.

25 IT IS SO ORDERED.

26 Dated: December 3, 2009

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28 _____
PHYLLIS J. HAMILTON
United States District Judge