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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHICAGO METALLIC CORP,
Plaintiff(s),

No. C 08-3042 PJH

v.

ORDER OF DISMISSAL

DETENTION DEVICE SYSTEMS, INC.,
Defendant(s).
_____ /

The parties hereto, by their counsel, have advised the court that they have agreed to a settlement of this cause in principle. They request a continuance of the November 13, 2008 to January 15, 2009 and they also invite the court to issue a conditional dismissal. As a further appearance is unnecessary unless the settlement is not finalized, no further case management conference will be scheduled unless requested by the parties.

Instead, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within ninety (90) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for case management conference.

If no certification is filed, after passage of ninety (90) days, the dismissal shall be **with** prejudice.

IT IS SO ORDERED.

Dated: November 13, 2008



PHYLLIS J. HAMILTON
United States District Judge