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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

R&L BROSAMER INC.,

Plaintiff(s),

No. C 08-3607 PJH

v.

**ORDER OF DISMISSAL**

LIBERTY MUTUAL FIRE INSURANCE  
COMPANY,

Defendant(s).

The parties hereto, by their counsel, having advised the court that they have agreed to a settlement of this cause, 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 sixty (60) 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 trial.

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

IT IS SO ORDERED.

Dated: January 28, 2009

  
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PHYLLIS J. HAMILTON  
United States District Judge