

United States District Court
For the Northern District of California

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

BOARD OF TRUSTEES, et al.

No. C 08-05327 WDB

Plaintiffs,

**ORDER OF CONDITIONAL
DISMISSAL WITH PREJUDICE**

v.

INTERSTATE PAVING AND GRADING
INC.,

Defendant.

Plaintiffs having advised the Court that the parties have reached a settlement in the above-captioned action, and having requested a conditional forty-five day dismissal with prejudice,

IT IS HEREBY ORDERED that this action be dismissed with prejudice, provided that if any party certifies to this Court, within forty-five days of the date of this Order, with proof of service of a copy of such certification on opposing counsel, that the agreed consideration for said settlement has not been delivered, the Order of Conditional Dismissal will be vacated and the above-captioned action will be reopened and restored to the calendar to be set for trial. The status conference set for June 3, 2009 is hereby VACATED.

IT IS SO ORDERED.

Dated: May 13, 2009



WAYNE D. BRAZIL
United States Magistrate Judge