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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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6 CHARLES HAYNES,

7 Plaintiff(s),

No. C 09-0174 PJH

8 v.

ORDER OF DISMISSAL

9 CITY AND COUNTY OF SAN FRANCISCO,
10 et al.,

11 Defendant(s).
12 _____/

13 The court having been advised by minute order of August 13, 2010, entered
14 following a settlement conference, that the parties have agreed to a settlement of this
15 cause, and the date for filing of pretrial papers having passed without any papers being
16 filed,

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

22 If no certification is filed, after passage of ninety (90) days, the dismissal shall be
23 **with** prejudice. The October 7, 2010 and November 1, 2010 dates for pretrial conference
24 and trial respectively, are VACATED.

25 IT IS SO ORDERED.

26 Dated: September 21, 2010

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28 PHYLLIS J. HAMILTON
United States District Judge