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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT VON MERTA,

Plaintiff(s),

No. C 09-0753 PJH

v.

**ORDER OF DISMISSAL**

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendant(s).

Plaintiff, by his counsel, having advised the court that the parties have agreed to a settlement of this cause and having requested that the court take all pending dates off calendar, 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 trial.

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

IT IS SO ORDERED.

Dated: November 12, 2010



PHYLLIS J. HAMILTON  
United States District Judge