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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES HORNISHER, et al.,

Plaintiff(s),

No. C 09-1453 PJH

v.

ORDER OF DISMISSAL

ELI LILLY AND COMPANY, et al.,

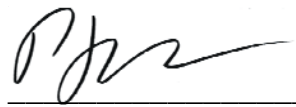
Defendant(s).

Plaintiffs and the remaining defendant Smithkline Beecham Corporation, dba Glaxo Smith Kline, 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 by January 20, 2011 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 on or before January 20, 2011, the dismissal shall be **with** prejudice.

IT IS SO ORDERED.

Dated: October 20, 2010



PHYLLIS J. HAMILTON
United States District Judge