

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

3  
4 MICHAEL KERNS,

No. C 11-00107 CW

5                   Plaintiff,

CONDITIONAL ORDER  
OF DISMISSAL

6                   v.

7 OFFICE DEPOT INC.,

8                   Defendant.  
9 \_\_\_\_\_/

10           The Court having been advised that the parties have agreed to  
11 a settlement of this cause,

12           IT IS HEREBY ORDERED that this cause be dismissed with  
13 prejudice; provided, however, that if any party hereto shall  
14 certify to this Court, with proof of service of a copy thereon on  
15 opposing counsel, within 90 days from the date hereof, that the  
16 agreed consideration for said settlement has not been delivered  
17 over, the foregoing Order shall stand vacated and this cause shall  
18 forthwith be restored to the calendar to be set for trial. The  
19 further case management conference, motion, pre-trial conference  
20 and jury trial dates are vacated. All pending motions are  
21 terminated.  
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23

24           IT IS SO ORDERED.

25  
26 Dated: **10/25/2011**

  
CLAUDIA WILKEN  
United States District Judge

United States District Court  
For the Northern District of California