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United States District Court  
Northern District of California

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**NANCY DARDARIAN and NATHAN THOMS,**  
*individually and on behalf of all others*  
*similarly situated,*

**Plaintiffs,**

**vs.**

**OFFICEMAX NORTH AMERICA, INC.,**  
**Defendant.**

Case No.: 11-CV-0947-YGR

**ORDER**

With respect to the parties' stipulation of September 6, 2013 (Dkt. No. 124), the Court hereby **ORDERS** as follows:

1. The Case Management Conference scheduled for September 9, 2013, is hereby **VACATED**.
2. All other currently pending deadlines and hearings are hereby **VACATED**.
3. Based on the parties' stipulation, the Court understands that the parties intend to file a revised joint motion for preliminary settlement approval by September 13, 2013. The Court hereby **ORDERS** counsel to appear at a compliance hearing at 9:01 a.m. on Friday, September 27, 2013. Five business days before the compliance hearing, the parties shall file either (i) the revised joint motion contemplated in their stipulation or (ii) a one-page joint statement explaining the reason for failing to do so. If the motion is timely filed, the compliance hearing will be taken off calendar and no appearance shall be necessary.


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4. Plaintiffs' pending motion for class certification (Dkt. No. 67) and Defendant's pending motion for summary judgment (Dkt. No. 97) are hereby **DENIED WITHOUT PREJUDICE** to later refiling in the event the Court declines to approve the parties' settlement.

This Order terminates Docket Nos. 67, 97, and 124.

**IT IS SO ORDERED.**

Dated: September 9, 2013

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**