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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
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6 **FACEBOOK, INC.,**

7 **Plaintiff,**

8 **vs.**

9 **BANANA ADS, LLC et al.,**

10 **Defendants.**  
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**Case No.: 11-CV-03619 YGR**

**ORDER RE: REPORT AND  
RECOMMENDATION; GRANTING MOTION FOR  
RELIEF FROM NON-DISPOSITIVE PRETRIAL  
ORDER**

United States District Court  
Northern District of California


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13 The Court has reviewed Magistrate Judge Kandis A. Westmore's Report and  
14 Recommendation to Deny Plaintiff's Motion for Default Judgment Against Michael Navarini and  
15 Banana ADS LLC (Dkt. No. 164), Facebook, Inc.'s Motion for Relief from that recommendation  
16 (Dkt. No. 168), and the parties' Response to Magistrate Judge Beeler's Order Regarding Settlement  
17 Conference (Dkt. No. 172). Because it appears the parties no longer will be able to engage in  
18 productive settlement negotiations, the Court will not require the parties to attend a settlement  
19 conference.

20 Therefore, the Court **GRANTS** Facebook's Motion for Relief from Order. The Report and  
21 Recommendation (Dkt. No. 164) recommending referral of the parties to a settlement conference, is  
22 **MODIFIED**. The parties shall not be required to attend a settlement conference. Magistrate Judge  
23 Westmore shall consider Facebook's motion for default judgment against defendants Michael  
24 Navarini and Banana Ads LLC.

25 This Order Terminates Docket Numbers 164 & 168.

26 **IT IS SO ORDERED.**

27 **Date: January 16, 2013**

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YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE