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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DOMINIKA SURZYN, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

DIAMOND FOODS, INC., a Delaware limited liability company, and DOES 1 through 10, inclusive,

Defendants.

Case No: C 14-0136 SBA

**ORDER VACATING CASE
MANAGEMENT CONFERENCE
AND ADMINSTRATIVELY
CLOSING ACTION**

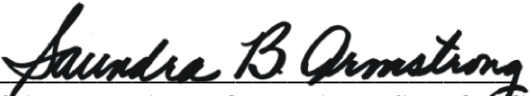
Upon stipulation of the parties, the Court previously stayed the instant class action pending preliminary approval of a nationwide class settlement in Klacko v. Diamond Foods, Inc., No. 9:14-cv-8005 (S.D. Fla.). Dkt. 40. The parties indicate in their recent Joint Case Management Statement that preliminary approval was granted and that a final approval hearing is now scheduled for July 17, 2015. Dkt. 41. In addition, the parties state that upon final approval of the Klacko settlement, Plaintiff will dismiss the instant action with prejudice. Id. Accordingly,

IT IS HEREBY ORDERED THAT the Case Management Conference scheduled for February 11, 2015, is VACATED. The instant action shall be ADMINISTRATIVELY CLOSED pending a decision on the final approval of the class settlement in Klacko. Within ten (10) days of the final approval in Klacko, Plaintiff shall file a stipulation for

1 dismissal in this case. In the event final approval is denied, Plaintiff shall, within ten (10)
2 days of said denial, file a request to reopen this action and to schedule a Case Management
3 Conference. The failure to comply with this Order will constitute grounds to dismiss the
4 action with prejudice under Federal Rule of Civil Procedure 41.

5 IT IS SO ORDERED.

6 Dated: 2/10/15

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8 SAUNDRA BROWN ARMSTRONG
9 United States District Judge
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