

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

SHISEIDO AMERICAS
CORPORATION,
Defendant.

Case No. 21-cv-00666-PJH

ORDER OF DISMISSAL

Re: Dkt. No. 12

Plaintiff hereto, by his counsel, having advised the court that the parties have agreed to a settlement of this case, IT IS HEREBY ORDERED that this case is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty days, with proof of service thereof on the opposing party, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

If no certification is filed, after passage of sixty days, the dismissal shall be **with** prejudice. The parties may, of course, substitute a dismissal with prejudice at any time during this sixty day period.

IT IS SO ORDERED.

Dated: March 31, 2021

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge