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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Emilia Cruz,

NO. C 09-04296 JW

Plaintiff,

**ORDER SETTING HEARING ON
APPROVAL OF SETTLEMENT UNDER
THE FLSA**

v.

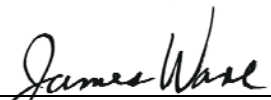
JSJ-SC Project Inc.,

Defendant.

On September 22, 2010, the Court received a Certification of Mediation from Mediator James Neble indicating that the above entitled case has settled in full. (Docket Item No. 26.) In light of the settlement, the Court VACATES all trial and pretrial dates. The Court DENIES as moot Plaintiff's Motion to Certify an FLSA Opt-in Class currently set for hearing on December 13, 2010. (Docket Item Nos. 21, 24.)

The Court sets **November 1, 2010 at 9 a.m.** as a hearing date for Approval of Settlement pursuant to the FLSA. On or before **October 22, 2010**, the parties shall file their Joint Motion for Approval and Proposed Judgment. Failure to timely comply with this Order will warrant dismissal for lack of prosecution pursuant to Fed. R. Civ. P. 41(b).

Dated: September 23, 2010



JAMES WARE
United States District Judge

United States District Court
For the Northern District of California

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THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Julie Kwun julie.kwun@limruger.com
Tomas Eduardo Margain margainlaw@hotmail.com

Dated: September 23, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy