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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 DENYING IN PART AMENDED
STIPULATION RE: PRELIMINARY
APPROVAL OF SETTLEMENT**

v.

JSJ-SC Project Inc.,

Defendant.

Presently before the Court is the parties' Joint Motion for Amended Stipulation Re: Preliminary Approval of Settlement. (hereafter, "Motion," Docket Item No. 38.) On November 18, 2010, the Court granted preliminary approval of the parties' Settlement and adopted the parties' proposed Stipulation amending the Settlement release language. (See Docket Item No. 37.)

Upon review of the parties' proposed Stipulation, the Court finds that the proposed language adds unnecessary vagueness to the release and thus, the Court DENIES the parties' request to further amend the Settlement release language beyond what the Court has already modified and approved. However, the Court finds good cause to allow Plaintiffs to proceed with signing the Settlement, as approved by the Court's November 18 Order, prior to the December 13, 2010 Final Fairness Hearing. Counsel shall ensure that all Plaintiffs sign the appropriate Settlement Agreement with the modified release language as ordered by the Court.

Accordingly, the Court DENIES in part and GRANTS in part the parties' Joint Motion for Amended Stipulation Re: Preliminary Approval of Settlement.

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In accord with the Court's November 18 Order, on or before **December 3, 2010**, the parties shall submit a Proposed Order and Final Judgment in preparation for the Final Fairness Hearing. The Proposed Order shall attach a modified version of the Settlement Agreement including the language stipulated to and approved by the Court's November 18 Order.

Dated: December 3, 2010



JAMES WARE
United States District Judge

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

2 jdblawn@earthlink.net
3 margainlaw@hotmail.com
4 julie.kwun@limruger.com
5 brian.sheldon@limruger.com

6 **Dated: December 3, 2010**

Richard W. Wieking, Clerk

7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**

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