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

Emilia Cruz, et al.,

NO. C 09-04296 JW

Plaintiffs,

**ORDER CONTINUING FINAL FAIRNESS
HEARING**

v.

JSJ-SC Project Inc.,

Defendant.

This case is scheduled for a Final Fairness Hearing on December 13, 2010. On November 3, 2010, following the Preliminary Settlement Hearing, the Court ordered the parties to amend the Settlement release language, which the Court found overly broad. (See Docket Item No. 33.) On November 12, 2010, the parties filed a Stipulation to further amend the release language. (See Docket Item No. 35.) On November 18, 2010, the Court granted preliminary approval of the Settlement and adopted the parties' stipulated release language. (See Docket Item No. 37.) Further, the Court ordered the parties to file a final Settlement Agreement, incorporating the amended release language, on or before December 3, 2010. (Id.)

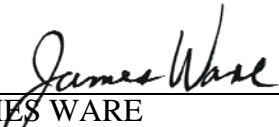
On November 24, 2010, the parties filed an Amended Stipulation to amend the release language a second time. (See Docket Item No. 38.) On December 3, 2010, the Court denied the parties' Stipulation to amend the release for a second time, as the Court found the parties' stipulated release language introduced unnecessary vagueness into the release. (See Docket Item No. 39.) On December 8, 2010, exceeding the Court's deadline by five days, the parties submitted a final Settlement Agreement that included the stipulated release language that the Court declined to adopt

1 in its December 3 Order. (See Docket Item No. 44.) In light of the parties' failure to timely file a
2 final Settlement Agreement and failure to file a Settlement Agreement that incorporates the
3 approved release language, the Court finds that it cannot conduct the Final Fairness Hearing as
4 scheduled for December 13, 2010.

5 Accordingly, the Court CONTINUES the December 13 Final Fairness Hearing to **December**
6 **20, 2010 at 9 a.m.** On or before **December 13, 2010**, the parties shall file a final Settlement
7 Agreement that incorporates the release language approved by the Court in its November 3 Order as
8 well as a Proposed Final Judgment.

9 Failure to timely file the required documents consistent with the Court's Orders will result in
10 sanctions as to both parties.

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12 Dated: December 9, 2010



JAMES WARE
United States District Judge

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

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3 James Dal Bon jdblaw@earthlink.net
4 Julie Kwun julie.kwun@limruger.com
5 Tomas Eduardo Margain margainlaw@hotmail.com

6 **Dated: December 9, 2010**

Richard W. Wieking, Clerk

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

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