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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TRUSTEES OF THE U.A. LOCAL 393)
PENSION FUND AND THE U.A. LOCAL)
393 HEALTH AND WELFARE TRUST)
FUND,)
Plaintiff,)
v.)
CRYOMETRIX, INC., et al,)
Defendants.)

Case No.: C 10-0269 PVT

**INTERIM ORDER RE PLAINTIFF’S
REQUEST FOR CONDITIONAL DISMISSAL;
SETTING DEADLINE FOR PLAINTIFF TO
FILE EITHER A “CONSENT TO PROCEED
BEFORE A UNITED STATES MAGISTRATE
JUDGE,” OR ELSE A “DECLINATION TO
PROCEED BEFORE A UNITED STATES
MAGISTRATE JUDGE AND REQUEST FOR
REASSIGNMENT”; AND CONTINUING CASE
MANAGEMENT CONFERENCE**

On April 14, 2010, Plaintiff filed a request for a conditional dismissal.¹ Based on the request and the file herein,

IT IS HEREBY ORDERED that, no later than May 4, 2010, Plaintiff shall submit a revised form of conditional dismissal that sets forth a reasonable deadline for Plaintiff to request reactivation of this action in the event the terms of the settlement agreement are not met. Absent such a time limit, Plaintiff could impermissibly extend the statute of limitations indefinitely. *See, e.g., Brennan v. Kulick*, 407 F.3d 603, 607 (3d Cir. 2005).

IT IS FURTHER ORDERED that, no later than May 4, 2010, Plaintiff shall file either a

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 “Consent to Proceed Before a United States Magistrate Judge,” or else a “Declination to Proceed
2 Before a United States Magistrate Judge and Request for Reassignment.” Both forms are available
3 from the clerk of the court, or from the “Forms” section of the court’s website
4 (www.cand.uscourts.gov).

5 IT IS FURTHER ORDERED that the Case Management Conference is CONTINUED to
6 May 25, 2010.

7 Dated: 4/20/10


PATRICIA V. TRUMBULL
United States Magistrate Judge

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