UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 4:10-CV-102-F

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The court has been informed that the parties have reached a settlement in this matter. Accordingly, this action hereby is DISMISSED without prejudice to any party to reopen should settlement not be consummated on or before December 14, 2012. Unless the case is reopened, counsel are DIRECTED to file their Joint Stipulation of Dismissal With Prejudice on or before December 14, 2012. The Clerk of Court is DIRECTED to cancel the pretrial hearing scheduled for December 7, 2012, as well as any pretrial deadlines still pending, and remove this matter from the court's January 14, 2013, trial calendar.

SO ORDERED.

This the 15th day of November, 2012.

<u>James E. Fox</u> ames C. Fox

Senior United States District Judge