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

Stacy James, et al.,

NO. C 05-04532 JW

Plaintiffs,

**ORDER SETTING HEARING ON
SETTLEMENT**

v.

Ignatius A. Piazza, et al.,

Defendants.

On May 18, 2009, the Court conducted a hearing to the status of the case in light of the Receiver/Special Master’s report that the parties have reached a tentative settlement regarding a dispute arising out of a previous Settlement approved by the Court. Counsel for the respective parties, Defendant Piazza, and Special Master and Receiver George Fisher were present.

At the hearing, the parties represented that they have reached a preliminary settlement agreement, the final terms of which are still being negotiated. Accordingly, the Court orders as follows:

- (1) On **July 6, 2009 at 9 a.m.**, all parties, including Defendant Piazza personally, shall appear for a Final Settlement Approval Hearing. The June 15, 2009 hearing is VACATED. On or before **June 30, 2009**, the parties shall file all necessary paperwork regarding the Final Terms of the Settlement for the Court’s evaluation prior to the July 6 hearing.
- (2) Despite the termination of his role as Receiver, George Fisher shall remain the Court–appointed Special Master in this matter. The Court finds that retention of the

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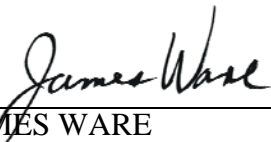
Special Master will serve the interest of bringing timely and satisfactory closure to this case. Unless otherwise specified or recommended by the Special Master, both parties are equally responsible for the payment of the Special Master’s fees and costs with respect to finalizing the terms of the settlement.

(3) The parties’ final settlement agreement shall contain provisions allocating fees and costs associated with resolving this dispute.

(4) The parties’ final settlement agreement shall contain provisions establishing a method for future dispute resolution. Any future disputes arising out of the parties’ settlement agreement shall be resolved either through private dispute resolution or through the initiation of an independent legal action.

IT IS SO ORDERED.

Dated: May 18, 2009



JAMES WARE
United States District Judge

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

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8 **Dated: May 18, 2009**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**
10 **Elizabeth Garcia**
11 **Courtroom Deputy**

United States District Court
For the Northern District of California

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