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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHINA TRUST BANK (U.S.A.),)	Case No.: 10-CV-05524-LHK
)	
Plaintiff,)	
v.)	
)	ORDER VACATING JUDGMENT
ACLOR INC., et al.,)	
)	
Defendants.)	
)	

On November 7, 2011, the parties filed a Stipulation for Entry of Judgment, ECF No. 56, and a Stipulation for Voluntary Dismissal, ECF No. 57. The Stipulation for Entry of Judgment was signed by all of the parties and contained a date and signature line for the Court to sign. On November 9, 2011, the Court signed and filed the Stipulation for Entry of Judgment, ECF No. 59, and Stipulation for Voluntary Dismissal, ECF No. 61. On November 14, 2011, the parties wrote a joint letter to the Court explaining that the stipulated judgment was contingent on certain events occurring, which have not occurred, and that the judgment attached to ECF No. 56 was merely an exemplar that was not submitted for electronic filing with the Court. ECF No. 61, at 1. Accordingly, both parties request that the judgment, ECF No. 59, be vacated. The Court also construes this joint letter as an administrative motion to file under seal pursuant to Civil Local Rule 79-5(b).

The Court notes that nothing indicated that the proposed judgment was contingent on anything or that the attached judgment was merely an exemplar. However, upon consideration of the parties' joint letter, and good cause appearing, the Court hereby VACATES the judgment entered on November 14, 2011, ECF No. 59. The Clerk shall seal ECF No. 59. The case remains dismissed in its entirety with prejudice.

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IT IS SO ORDERED.

Dated: November 15, 2011



LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California