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3 UNITED STATES DISTRICT COURT
4 CENTRAL DISTRICT OF CALIFORNIA
5 EASTERN DIVISION

6 PROVIDENT SAVINGS BANK,

7 Plaintiff,

8 v.

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10 MAUREEN HUGHES, et al.,

11 Defendants ("Borrower Defendants")

12 MAUREEN HUGHES, et al.,

13
14 Third-Party Plaintiffs,

15 v.

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17 LA COLONIA, LLC, et al.,

18
19 Third-Party Defendants.

NO. ED 07-CV-432-JLQ

**ORDER TO SHOW CAUSE RE:
DISMISSAL OF REMAINING
THIRD PARTY CLAIMS**

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21 The only unresolved claims herein are certain third party claims by the Borrower
22 Defendants and Third-Party Plaintiffs. In their May 20, 2010 report ordered by the court
23 regarding the status of these claims, the Borrower Defendants stated that they intended to
24 move for default on their third-party claims, and that following the entry of default they
25 intended to "promptly file with this Court a Motion for Entry of Default Judgment..." Ct.
26 Rec. 182 at 2 (emphasis added). No Motion for Entry of Default Judgment has been
27 filed. Yet, Orders of Default against Third-Party Defendants La Colonia, Walker Design
28 Build Services, Global Financial Solutions, Nexidis, Slizewski, and Vice were entered in

1 favor of the Borrower Defendants on July 15, 2010 and July 29, 2010 respectively. Ct.
2 Rec. 189, Ct. Rec. 191. The periods of inactivity on these claims evidences a clear record
3 of delay by the Borrower Defendants in prosecuting their third-party claims. Federal
4 Rule of Civil Procedure 41(b) allows the district court to dismiss an action upon the
5 motion of a defendant, or upon its own motion, for failure to prosecute.

6 Accordingly, **IT IS HEREBY ORDERED**: the Borrower Defendants are Ordered
7 to **SHOW CAUSE** in writing on or before SEPTEMBER 30, 2010 why their claims
8 against the Third-Party Defendants (listed above) should not be DISMISSED WITH
9 PREJUDICE. The failure to timely show cause will result in the dismissal of these claims
10 WITH PREJUDICE.

11 **IT IS SO ORDERED.** The Clerk of this court shall enter this Order and forward
12 copies to counsel for all parties.

13 Dated this 20th day of September, 2010.

14 s/ Justin L. Quackenbush
15 JUSTIN L. QUACKENBUSH
16 SENIOR UNITED STATES DISTRICT JUDGE
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