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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. SACV 09-142-JST (ANx)

Date: May 2, 2011

Title: GREG SULLIVAN, etc. v. AMERICAN EXPRESS PUBLISHING COMPANY

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Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson

Deputy Clerk

N/A

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:      ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE FOR  
FAILURE TO PROSECUTE AND FAILURE TO FILE A  
MEMORANDUM OF CONTENTIONS OF FACT AND LAW**

On December 20, 2010 Plaintiff filed a Notice of Settlement and Withdrawal of Motion for Class Certification. (Doc. 53.) Plaintiff represented that a Motion for Preliminary Settlement Approval would be filed by February 21, 2011. To date, the referenced motion has not been filed.

Further, the dates set by the Court in its Order dated October 8, 2011(Doc. 49) have not been vacated. The parties' Memorandum of Contentions of Fact and Law was due no later than twenty-one (21) days before the Final Pretrial Conference, which is set for May 16, 2011. To date, the Court has not received a Memorandum of Contentions of Fact and Law from any party.

Accordingly, the Court orders Plaintiffs' counsel to show cause why the Court should not dismiss this matter, for failure to prosecute this action. No later than **May 4, 2011 at 12:00 p.m.**, Plaintiffs' counsel shall file a written response to this Order to Show Cause. Failure to respond may result in the immediate dismissal of this action.

Initials of Preparer: enm