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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAIRY AMERICA, INC.,

Plaintiff,

vs.

CASE NO. CV F 07-0537 LJO SMS

ORDER TO DENY DISMISSAL
(Doc. 258.)

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY,
et al.,

Defendants.

Plaintiff filed a July 22, 2011 notice of voluntary dismissal. The notice fails to comply with F.R.Civ.P. 41(a)(1)(A)(ii), which requires a stipulation signed by defendants who have answered or filed a summary judgment motion. As such, this Court DENIES dismissal of this action in the absence of compliance with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ORDERS the remaining parties, no later than July 29, 2011, to file either: (a) a stipulation which satisfies F.R.Civ.P. 41(a)(1)(A)(ii) and a proposed order to dismiss remaining defendants; or (b) papers to show good cause why the parties have failed to comply with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ADMONISHES counsel to obey the Federal Rules of Civil Procedure and this Court's Local Rules and orders. This Court FURTHER ADMONISHES counsel that failure to comply with this order in the absence of good cause will result in imposition of sanctions, including monetary sanctions and/or dismissal of this action with or without prejudice.

IT IS SO ORDERED.

Dated: July 25, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE