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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 LYNDON B. MILLER,

CASE NO. CV F 10-0882 LJO GSA

12 Plaintiff,

**ORDER TO ADDRESS FAILURE TO DISMISS  
ACTION**

13 vs.  
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15 SEARS HOLDING CORPORATION,

16 Defendant.  
\_\_\_\_\_ /

17 Defense counsel filed November 15, 2010 papers to indicate that “the parties have reached an  
18 agreement regarding resolution of the case through settlement and are working to prepare settlement  
19 paperwork.” This Court issued its November 16, 2010 order (“November 16 order”) to require the  
20 parties, no later than December 6, 2010, to file appropriate papers to dismiss or conclude this action in  
21 its entirety, or to show cause why the action has not been dismissed. The parties have disobeyed the  
22 November 16 order and failed to dismiss this action or to show cause why this action has not been  
23 dismissed.

24 On the basis of good cause, this Court ORDERS the parties, no later than December 10, 2010,  
25 to file papers to either: (1) show good cause why this Court should not impose sanctions against the  
26 parties and/or their counsel for failure to dismiss this action diligently; or (2) to dismiss this action in  
27 its entirety and to comply with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ADMONISHES counsel that they  
28 are required to obey and comply with the Federal Rules of Civil Procedure and this Court’s Local Rules

1 and orders.

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5 IT IS SO ORDERED.

6 **Dated: December 7, 2010**

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

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