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

LYNDON B. MILLER,  
  
Plaintiff,  
  
vs.  
  
SEARS HOLDING CORPORATION,  
  
Defendant.

CASE NO. CV F 10-0882 LJO GSA  
  
**FURTHER ORDER TO ADDRESS FAILURE  
TO DISMISS ACTION**

\_\_\_\_\_ /  
  
The parties' counsel have responded to this Court's December 7, 2010 order to address their failure to dismiss timely this action after settlement. The record indicates that plaintiff's counsel has been dilatory to complete settlement and to prosecute this action. This Court is disinclined to grant a 30-day extension, requested by plaintiff's counsel, to dismiss this action given the lack of diligence to complete settlement and disobedience of this Court's orders to dismiss this action or to show good cause why the action has not been dismissed. As such, this Court grants a limited, one-time extension to dismiss this action and ORDERS the parties, no later than December 30, 2010, to file papers to dismiss this action in its entirety and to comply with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ADMONISHES counsel that it will impose sanctions on the counsel and/or party(ies) it deems responsible for continuing delay.

IT IS SO ORDERED.

**Dated: December 13, 2010**

**/s/ Lawrence J. O'Neill**

UNITED STATES DISTRICT JUDGE

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