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

STANISLAUS TOWING & RECOVERY SERVICES, INC, et al.,

CASE NO. CV F 11-1344 LJO DLB

Plaintiffs,

ORDER TO DENY DISMISSAL
(Doc. 47.)

vs.

CITY OF MODESTO, et al.,

Defendant.

_____ /

This Court has devoted inordinate time and resources to monitor settlement and attempted dismissal of this action. This Court is required to devote more time and resources given the parties' failure to file proper papers to dismiss this action.

Plaintiff filed an October 16, 2012 document ("October 16 document") to attempt to dismiss this action and which fails to comply with this Court's October 9 and 13, 2012 orders. The October 16 document 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. The October 16 document is plaintiffs' attempt to unilaterally dismiss this action, and lacks the necessary the signature of defense counsel. 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 again ORDERS the parties, no later than **October 31, 2012**, to file either: (a) a stipulation which satisfies F.R.Civ.P. 41(a)(1)(A)(ii) and a proposed order to dismiss this action in its entirety; or (b) papers to show good cause why the parties have failed to comply with

1 F.R.Civ.P. 41(a)(1)(A)(ii).

2 This Court ADMONISHES counsel to obey the Federal Rules of Civil Procedure and this
3 Court's Local Rules and orders. This Court FURTHER ADMONISHES counsel that failure to comply
4 with this order in the absence of good cause will result in imposition of sanctions, including monetary
5 sanctions and/or dismissal of this action with or without prejudice. As it stands, this Court contemplates
6 to sanction each party and/or its counsel a minimum of \$1,000 if the parties fail to satisfy this order.

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10 IT IS SO ORDERED.

11 **Dated: October 17, 2012**

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

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