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

COLORADO BOAT BROKER,
INC,

CASE NO. CV F 11-1457 LJO SKO

Plaintiff,

ORDER TO DENY DISMISSAL
(Doc. 40.)

vs.

MIKE BRENDEL,

Defendant.

_____ /

This Court has devoted inordinate time and resources to monitor settlement 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 August 31, 2012 document ("August 31 document") to attempt to dismiss this action and which fails to comply with this Court's August 10, 2012 order. The August 31 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 August 31 document is plaintiff's attempt to unilaterally dismiss this action, and lacks the necessary 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 ORDERS the parties, no later than **September 10, 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 F.R.Civ.P. 41(a)(1)(A)(ii).

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

6 IT IS SO ORDERED.

7 **Dated: September 4, 2012**

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

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