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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 HERBERT DYER,) Case No.: 1:17-cv-01183 - DAD - JLT
12 Plaintiff,)
13 v.) ORDER DISCHARGING THE ORDER TO SHOW
14 FORD MOTOR COMPANY,) CAUSE DATED NOVEMBER 20, 2017
15 Defendant.) ORDER GRANTING DEFENDANT AN
16) EXTENSION OF TIME TO RESPOND TO THE
) COMPLAINT AND CONTINUING THE
) SCHEDULING CONFERENCE
)

17 Previously, the Court granted Defendant an extension of time to file a response to Plaintiff's
18 complaint, ordering Defendant to file its response no later than October 27, 2017. (Doc. 9) Defendant
19 failed to file a response, after which the Court issued an order to show cause to Plaintiff to show why
20 sanctions should not be imposed for his failure to prosecute the action through seeking the entry of
21 default. (Doc. 10)

22 On November 22, 2010, the parties filed a joint response to the Court's order, asserting that
23 "[g]ood cause exists not to order sanctions and dismiss this action because the parties have been
24 engaged in settlement discussions." (Doc. 11 at 2) In addition, the parties report they "are now in the
25 process of finalizing the settlement." (*Id.*) Currently, the parties anticipate filing a Notice of
26 Settlement in approximately thirty days. (*Id.*) Therefore, the parties also request a continuance of the
27 Scheduling Conference set with the Court from November 30, 2017 to December 28, 2017. (Doc. 12)

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Based upon the stipulation of the parties and good cause appearing, the Court **ORDERS**:

1 The Order to Show Cause dated November 20, 2017 (Doc. 10) is **DISCHARGED**;

2. Defendant **SHALL** file its response to Plaintiff's complaint no later than

December 14, 2017; and

3. The Scheduling Conference is **CONTINUED** to **December 28, 2017** at 8:30 a.m.

IT IS SO ORDERED.

Dated: **November 27, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE