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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

Lillie Willis, et al.,

NO. C 04-02305 JW

Plaintiffs,

**ORDER SETTING FURTHER SHOW  
CAUSE HEARING RE. SETTLEMENT**

v.

City of Oakland, et al.,

Defendants.

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On October 5, 2011, the parties reached a settlement in this matter. (See Docket Item No. 197.) On October 26, 2011, in light of the settlement, the Court vacated all trial and pretrial dates and set December 12, 2011 for an Order to Show Cause Hearing in regard to the settlement.<sup>1</sup> (See Docket Item No. 199.) On November 15, 2011, Plaintiffs filed a letter contending that their attorney had not advised them of the settlement and presenting other objections to the settlement. (hereafter, “November 15 Letter,” Docket Item No. 200.) On December 2, 2011, Plaintiffs’ counsel and Defendants filed a Joint Statement contending that the settlement was awaiting final approval by the Oakland City Council, and requesting that the Court “allow until January 15, 2011 [sic] for completion of the settlement process, issuance of a resolution approving the settlement and payment of the settlement proceeds.”<sup>2</sup> On December 5, 2011, the Court ordered all parties to “appear at the

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<sup>1</sup> In its Order to Show Cause, the Court stated that the December 12 hearing would be automatically vacated if a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a) was filed on or before December 2, 2011. (Docket Item No. 199 at 1.)

<sup>2</sup> (Joint Statement in Response to Order to Show Cause re: Settlement at 1-2, Docket Item No. 201.) The Joint Statement does not refer to the November 15 Letter filed by Plaintiffs.


1 December 12 hearing and be prepared to address Plaintiffs' [November 15 Letter] to the Court."  
2 (See Docket Item No. 202 at 2.)

3 At the December 12 hearing, Plaintiffs' counsel represented to the Court that he had spoken  
4 to Plaintiffs during the week prior to the hearing, and further represented that Plaintiffs had decided  
5 to withdraw the objections to the settlement presented in the November 15 Letter.<sup>3</sup> Moreover,  
6 Defendants' counsel contended that the settlement had been approved by the Oakland City Council  
7 and that the settlement was scheduled to appear on the City Council's public consent calendar on  
8 December 20, 2011.

9 Accordingly, and in light of Plaintiffs' counsel's express representation to the Court that  
10 Plaintiffs have withdrawn their objections to the settlement, the Court sets **January 30, 2012 at**  
11 **9 a.m.** for a further Show Cause Hearing re. Settlement. On or before **January 20, 2012**, the parties  
12 shall file a joint statement setting forth the status of the activities of the parties for finalizing the  
13 settlement, and how much additional time is requested to finalize and file a dismissal of this action.  
14 If a Stipulated Dismissal is filed pursuant to Fed. R. Civ. P. 41(a), the January 30, 2012 hearing shall  
15 be automatically vacated.

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18 Dated: December 12, 2011

  
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JAMES WARE  
United States District Chief Judge

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27 <sup>3</sup> Plaintiffs did not appear at the December 12 hearing, although Plaintiffs' counsel  
28 represented to the Court that he had informed Plaintiffs of the hearing.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Christopher Andrew Kee ckee@oaklandcityattorney.org  
3 Dennis Cunningham denniscunningham@juno.com  
4 James F. Hodgkins jhodgkins@oaklandcityattorney.org

5 **Dated: December 12, 2011**

**Richard W. Wieking, Clerk**

6 **By:         /s/ JW Chambers**  
7 **Susan Imbriani**  
8 **Courtroom Deputy**

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