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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARYLYN BEAVER,
Plaintiff,

v.

No. C 09-02177 WHA

BANK OF THE WEST WELFARE
BENEFITS PLAN, and BANCWEST
CORPORATION WELFARE BENEFIT
PLAN,

Defendants.

**ORDER TO SHOW CAUSE
AND VACATING HEARING**

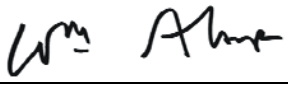
METROPOLITAN LIFE INSURANCE
COMPANY,

Real Party in Interest.

At the case management conference held on July 8, 2010, plaintiff was ordered to file a motion for entitlement to ERISA benefits by July 15, with a hearing scheduled for August 12 (Dkt. No. 60). Plaintiff failed to file the motion as ordered and instead filed a "notice of settlement." It is now August 2 and the case has *still* not been dismissed. Plaintiff is therefore **ORDERED TO SHOW CAUSE** why this case should not be dismissed for failure to prosecute. A response will be due by **8:00 A.M. ON AUGUST 12**, unless a stipulated dismissal is filed before the deadline. The August 12 hearing is **VACATED**.

IT IS SO ORDERED.

Dated: August 2, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE