

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

BARTON SPINDLER,

Plaintiff,

No. C 10-01414 JSW

v.

JOHNSON & JOHNSON CORP., et al.,

ORDER TO SHOW CAUSE

Defendants.

On August 1, 2011, the Court dismissed the Second Amended Complaint (“SAC”) filed by Plaintiffs Barton Spindler, Deborah Underwood, Valerie Burks, and Parvis Kaveh (“Plaintiffs”). The Court provided Plaintiffs leave to amend their complaint to address the defects addressed in the order dismissing their SAC, but admonished that the Court will dismiss their action without prejudice if they did not file an amended complaint within twenty days. Plaintiffs failed to file an amended complaint within this deadline, therefore, dismissal is warranted.

The Court admonished Plaintiffs that the dismissal would be without prejudice. However, the Court finds it would be appropriate to dismiss this action *with* prejudice. Before the Court issues a dismissal with prejudice, the Court is providing Plaintiffs an opportunity to be heard on this issue. Therefore, Plaintiffs are **HEREBY ORDERED TO SHOW CAUSE** (“OSC”) in writing by no later than October 24, 2011 why this case should not be dismissed

///

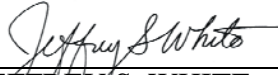
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

with prejudice. If Plaintiffs oppose this OSC and state that they believe the dismissal should be without prejudice, Defendants may file a response by no later than October 31, 2011.

IT IS SO ORDERED.

Dated: October 12, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE