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

TRACEY THOMPSON,

No. C 11-01670 EDL

Plaintiff,

ORDER OF CONDITIONAL DISMISSAL

v.

PATRICK R. DONAHOE,

Defendant.

At the September 20, 2011 hearing on Defendant's motion to dismiss, the Court granted Defendant's motion to dismiss and ordered Plaintiff, through her attorney of record Dennis Wright, to file an amended complaint by no later than October 11, 2011 after conferring with opposing counsel. See Dkt. # 32. No amended complaint having been filed, the Court issued an Order Requiring Amended Complaint or to Show Cause, requiring Plaintiff to show cause why no amended complaint has been timely exchanged with opposing counsel and filed with the Court as ordered, or to file an amended complaint, by October 28, 2011.

On November 2, 2011, Plaintiff's counsel filed a status report describing a family emergency and indicating that he would provide defense counsel with a proposed amended complaint by November 4, 2011. Doc. no. 36. On December 13, 2011, defense counsel filed a Case Status Report indicating that she has not heard from Plaintiff's counsel since November 7, 2011, and that Plaintiff's counsel failed to provide Defendant with a draft of the amended complaint. Doc. no. 37.

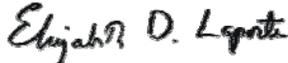
1 Defendant's Case Status Report indicates that defense counsel emailed Plaintiff's counsel on
2 November 29, 2011, and telephoned him on December 8, 2011, regarding the amended complaint
3 and seeking a stipulation to extend the mediation deadline currently set for December 19, 2011.
4 Defendant indicates that it has not received a response from Plaintiff's counsel.

5 By failing to provide defense counsel with an amended complaint or timely filing an
6 amended complaint, Plaintiff has failed to comply with the Court's Order Requiring Amended
7 Complaint or to Show Cause. Pursuant to the Court's order, issued at the September 20, 2011
8 hearing, dismissing the action with leave to amend, and in view of the failure by Plaintiff either to
9 meet and confer with defense counsel or to file an amended complaint, this action will be dismissed
10 with prejudice as of January 13, 2012, **unless Plaintiff files an amended complaint after**
11 **providing a copy to defense counsel, by no later than January 13, 2012.** Failure to file an
12 amended complaint by January 13, 2012 will result in dismissal of this action with prejudice.

13 The 90-day deadline to complete mediation previously set by the Court is hereby vacated.

14 **IT IS SO ORDERED.**

15 Dated: December 14, 2011

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18 ELIZABETH D. LAPORTE
19 United States Magistrate Judge
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