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

LUDMILA SHPITJ,

Plaintiff,

No. C 11-02072 JSW

v.

**ORDER DISMISSING WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE**

PETALUMA SKILLED NURSING,

Defendants.

_____ /

On July 12, 2011, the Court issued an Order regarding information it had received regarding the fact that Plaintiff Fred Labankoff required additional time to file an amended complaint by July 15, 2011, and stated that unless any party had any information to the contrary, it would grant Plaintiffs an additional thirty days to file an amended complaint. On July 12, 2011, Mr. Labankoff also filed a request for an extension of time, which shall be docketed forthwith. The Court granted that request and ordered Plaintiffs to file an amended complaint by no later than September 16, 2011. The Court advised Plaintiffs that if they failed to file an amended complaint by that date, or failed to file an additional request for an extension of time showing good cause, the Court would dismiss the case without prejudice.

On August 16, 2011, the Court received a letter from Mr. Labankoff's mother, Svetlana Labankoff, in which she advised the Court that Mr. Labankoff had passed away. In that letter, she appears to ask the Court for legal advice as to how to proceed with the complaint filed by Mr. Labankoff and her sister, Ludmila Shpitj.

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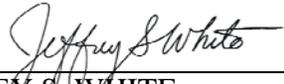
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The Court construed letter as a request for additional time to file an amended complaint and, on September 2, 2011, the Court granted Plaintiff one final extension of time to file an amended complaint. In the Order, the Court directed that any amended complaint was due by no later than December 2, 2011, and if the Court did not receive an amended complaint by that date, it would dismiss these claims without prejudice and without further notice.

The Court has not received an amended complaint. Accordingly, the Court **HEREBY DISMISSES** this matter **WITHOUT PREJUDICE** for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: December 7, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 LUDMILA SHPITJ et al,
6 Plaintiff,

Case Number: CV11-02072 JSW

CERTIFICATE OF SERVICE

7 v.

8 PETALUMA SKILLED NURSING et al,
9 Defendant.
10 _____/

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
12 District Court, Northern District of California.

13 That on December 7, 2011, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
16 inter-office delivery receptacle located in the Clerk's office.

17 Fred G. Labankoff
18 3828 Skyfarm Drive
19 Santa Rosa, CA 95402

19 Ludmila Shpitj
20 523 Hayes Lane
21 Petaluma, CA 94952

21 Dated: December 7, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk