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

MICHAEL BRACCO, et al.,  
Appellants,  
v.  
KURT ALBERT LEINTZ, et al.,  
Appellees.

No. C 12-2945 MMC

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE; DIRECTING  
APPELLANTS TO FILE OPENING  
BRIEF BY NOVEMBER 30, 2012**

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By order filed October 16, 2012, the Court directed appellants to show cause, no later than October 31, 2012, why the above-titled action should not be dismissed for failure to prosecute. On November 1, 2012, appellants filed their response,<sup>1</sup> supported by a declaration in which appellants' counsel explains he "inadvertently omitted calendaring the 28-day deadline for filing the Appellants' Opening Brief," the first such oversight in his 25 years of practice. (See Doc. No. 7 at 4.) Appellants seek leave to file their Opening Brief by November 30, 2012.

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<sup>1</sup> By letter submitted concurrently therewith, appellants' counsel states he tried but was unable to file appellants' response the day prior, due to technical difficulties with the court's electronic filing system. Accordingly, the response is deemed timely filed.

1 Good cause appearing, the Order to Show Cause is hereby DISCHARGED and  
2 plaintiffs are hereby DIRECTED to file with this Court, no later than November 30, 2012,  
3 their Opening Brief in the instant action.

4 **IT IS SO ORDERED.**

5 Dated: November 2, 2012

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MAXINE M. CHESNEY  
United States District Judge

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