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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**

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10 YVETTE R. BALDERAS, and others,

11 Plaintiffs,

12 v.

13 MASSAGE ENVY FRANCHISING, LLC,
and others,

14 Defendants.

Case No. 12-cv-06327 NC

ORDER TO SHOW CAUSE

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16 The Court is prepared to issue a ruling on plaintiffs' motion for preliminary approval
17 of the class action settlement. But the Court is concerned that one of the defendants, Envee
18 Estep Enterprise, Inc., was served with the summons and complaint but has not appeared or
19 consented to the jurisdiction of a magistrate judge. *See Roell v. Withrow*, 538 U.S. 580,
20 592 (2003) ("consent is a precondition to the magistrate judge's exercise of case-
21 dispositive power."). Therefore, in order to determine whether it is appropriate to issue a
22 ruling or a report and recommendation, plaintiffs must either move for entry of default
23 against defendant Envee or must dismiss defendant Envee from the case, within fourteen
24 days of this order.

25 IT IS SO ORDERED.

26 Date: July 7, 2014

27 
Nathanael M. Cousins
United States Magistrate Judge