

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

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

DAREN HEATHERLY, et al.,

No. C 13-03081 LB

Plaintiffs,

**ORDER TO SHOW CAUSE RE:
FAILURE TO PROSECUTE**

v.

BUFFALO EXCHANGE LTD., et al.,

Defendants.

On July 3, 2013, Plaintiffs filed a complaint against Defendants Buffalo Exchange Ltd. and Roberta Lince for violations of the Americans with Disabilities Act. Complaint, ECF No. 1. Defendants were served, and they answered the complaint on August 22, 2013. Answer, ECF No. 7.

Since then, it appears from the docket that nothing has happened. *See generally* Docket. Pursuant to the Scheduling Order issued on July 3, 2013, October 16, 2013 was the last day for the parties to hold a joint inspection of the subject premises. ADR Scheduling Order, ECF No. 2. The court does not know if this happened. 42 days after the joint inspection, the parties were to file a Notice of Need for Mediation. *Id.* They have not done so.

Accordingly, the court **ORDERS** Plaintiffs to show cause why this action should not be dismissed for failure to prosecute it. Plaintiffs **SHALL** do so by filing a written response no later than **5:00 p.m. Thursday, December 19, 2013**. If Plaintiff does not file a response by the deadline, Plaintiff is warned that the court may dismiss the action without prejudice. If the action has settled, Plaintiffs and Defendants should file a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

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

IT IS SO ORDERED.

Dated: December 18, 2013



LAUREL BEELER
United States Magistrate Judge