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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREW LOCKHART, ET AL.,  
Plaintiffs,  
v.  
JAY R DELANEY, et al.,  
Defendants.

Case No. [16-cv-01583-MEJ](#)  
**ORDER TO SHOW CAUSE**  
Re: Dkt. No. 23

On September 7, 2016, the Court dismissed this action without prejudice in light of a settlement the parties reached through mediation. Dismissal Order, Dkt. No. 19; *see* Dkt. No. 18.

The Court stated that

if any party hereto shall certify to this Court, within ninety (90) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial. *If no certification is filed after passage of ninety (90) days, the dismissal shall be **with** prejudice.*

*Id.* (italics added; bold in original). The deadline to certify that a party was in violation of the settlement was December 6, 2016; no party filed a certification. *See* Docket.

On April 10, 2017, Plaintiffs Andrew Lockhart and Lesley Lockhart (collectively, “Plaintiffs”) filed a Motion to Reopen this action to enter judgment against Defendants based on Defendants’ alleged failure to fulfill their part of the settlement. Mot., Dkt. No. 23. Plaintiffs do not acknowledge the Court’s Dismissal Order, nor do they address the impact it has on their Motion. *See* Mot.

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Accordingly, the Court **VACATES** the May 18, 2017 hearing<sup>1</sup> on the Motion and **ORDERS** Plaintiffs to show cause why it may enter judgment against Defendants given that this case was dismissed *with prejudice* as of December 6, 2016. Plaintiffs shall file a declaration by **May 25, 2017**. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on **June 8, 2017** at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Notice is hereby provided that failure to file a written response will be deemed an admission that Plaintiffs do not intend to proceed, and the Court will deny their Motion with prejudice.

**IT IS SO ORDERED.**

Dated: May 15, 2017

  
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MARIA-ELENA JAMES  
United States Magistrate Judge

<sup>1</sup> The cover page of the Motion indicates a hearing is scheduled for May 18, 2017 (*see* Mot. at 1); however, Plaintiffs failed to calendar the Motion for a hearing when they filed it using the Court's electronic filing system.