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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ELAINE TIFFANY, and SHANNON  
WHITEHEAD, individually, and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

HOMETOWN BUFFET, INC., and DOES 1  
through 50, inclusive,

Defendants.

Case No: C 06-2524 SBA

**ORDER VACATING OSC RE  
DISMISSAL**

On January 22, 2008, the Court issued an order staying the instant action as a result of Defendant having filed for bankruptcy. The Court's order directed the parties to submit status reports regarding the bankruptcy every six months. Plaintiffs filed status reports on July 22, 2008, January 22, 2009 and July 30, 2009. However, in violation of the Court's January 22, 2008 Order, no status reports have been filed since the July 30, 2009 report.

On March 22, 2010, the Court issued an Order to Show Cause re Dismissal ("OSC") requiring both parties to demonstrate why the action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b). Plaintiff and Defendant timely responded to the OSC and have presented facts demonstrating that their failure to file the status reports was inadvertent. In addition, both parties have indicated that they are amenable to administratively closing the action, subject to reopening or dismissal, depending on the resolution of the bankruptcy proceeding. Accordingly,

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IT IS HEREBY ORDERED THAT the OSC issued on March 22, 2010, is VACATED.

The Clerk of the Court shall administratively close the file pending resolution of the bankruptcy proceeding. Upon conclusion of the bankruptcy, the parties shall notify the Court in writing and request that the matter be reopened or dismissed, if appropriate.

IT IS SO ORDERED.

Dated: May 25, 2010

  
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SAUNDRA BROWN ARMSTRONG  
United States District Judge