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3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6

7 CLARK PERMAR,

No. C 09-0972 SBA

8 Plaintiff,

**ORDER TO SHOW CAUSE RE
DISMISSAL**

9 v.

10 SPECTRA WATERMAKERS, INC.,

11 Defendant.
12 _____/

13 IT IS HEREBY ORDERED THAT:

14 (1) The parties shall appear in Courtroom 1 of the United States Courthouse, 1301 Clay
15 Street, Oakland, California, on **October 14, 2009 at 4:00 p.m.**, to show cause, by actual
16 appearance, why this case should not be dismissed and/or sanctions should not be imposed for lack
17 of prosecution.

18 (2) At least ten (10) days prior to the date specified for the court appearance, the parties
19 or their counsel of record must file a Certificate of Counsel with the Clerk of the Court to explain
20 why the case should or should not be dismissed and why sanctions should or should not be imposed
21 for lack of prosecution based on the failure to submit a joint case management statement in
22 anticipation of the Case Management Conference previously scheduled for September 23, 2009 and
23 plaintiff's failure to initiate the conference call. The Certificate shall set forth the nature of the
24 cause, its present status, the reason it has not been brought to trial or otherwise terminated, any basis
25 for opposition to dismissal by any party, and its expected course if not dismissed.

26 (3) Please take notice that this Order requires both the specified court appearance and the
27 filing of the Certificate of Counsel. FAILURE TO FULLY COMPLY WITH THIS ORDER WILL
28 BE DEEMED SUFFICIENT GROUND TO DISMISS THE ACTION.

1 (4) The parties' stipulation to continue the ENE deadline (Docket 26) is DENIED
2 without prejudice. In the event this Order to Show Cause is vacated, the parties may resubmit their
3 proposed stipulation to continue the ENE deadline to December 1, 2009.

4 IT IS SO ORDERED.

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6 Dated: September 28, 2009


SAUNDRA BROWN ARMSTRONG
United States District Judge