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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 GHILOTTI BROS., INC.,

6 Plaintiff,

7 vs.

8 AMERICAN SAFETY INDEMNITY
9 COMPANY, a corporation, and DOES 1-50,
10 inclusive,

11 Defendants.

Case No: C 09-2735 SBA


**ORDER TO SHOW CAUSE RE
DISMISSAL**

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13 On August 30, 2012, the Ninth Circuit reversed the judgment entered by Judge
14 Vaughn Walker in this action in favor of Plaintiff, and held that Defendant “has no duty to
15 defend [Plaintiff] in the underlying suit.” Dkt. 69 at 5. In their Joint Supplemental Case
16 Management Conference Statement filed on December 7, 2012, the parties agree that “the
17 Ninth Circuit’s decision resolves the issues raised by plaintiff’s complaint for declaratory
18 relief.” Dkt. 75 at 2. In light of the foregoing, it appears that no issue remains for the
19 Court’s determination. Accordingly,

20 IT IS HEREBY ORDERED THAT the parties shall show cause, in a memorandum
21 not to exceed three pages, why the instant action should not be dismissed with prejudice.
22 The failure to file a memorandum in response to this Order by March 15, 2013, shall be
23 construed as a consent to the dismissal.

24 IT IS SO ORDERED.

25 Dated: March 8, 2013

26 
27 SAUNDRA BROWN ARMSTRONG
28 United States District Judge