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

LILING XIA,

Plaintiff,

vs.

THE GAP, INC.,

Defendant.

Case No: C 09-2989 SBA

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

On September 29, 2009, the Court held a Case Management Conference (CMC) at which time Plaintiff indicated her intention to file an amended complaint. Based on that representation, Court continued the CMC to November 12, 2009, and ordered the parties to *jointly* file an updated CMC Statement which included scheduling suggestions. On November 6, 2009, Defendant separately filed a further CMC Statement in which it indicated that Plaintiff had not provided it with a proposed stipulation to file an amended complaint nor had served her amended complaint. In addition, Defendant has not received any further communication from Plaintiff in connection with the submission of a joint CMC statement, as previously ordered.

Federal Rule of Civil Procedure 41(b) authorizes the Court to dismiss an action where plaintiff has failed to comply with the Federal Rules of Civil Procedure or any order of the court. Ferdick v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Because dismissal is a harsh sanction, however, it should only be imposed in extreme circumstances. Id. Therefore, while the Court declines to dismiss the action or impose any sanctions at this juncture, Plaintiff is warned that further transgressions of this Court's orders and any other applicable rules may result in the imposition of sanctions, up to an including dismissal.

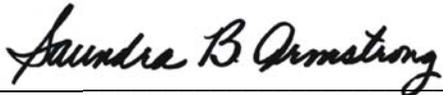
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The Court's preference is to schedule this matter with the input from *both* parties. Therefore, the Court will continue the CMC to allow the parties to meet and confer regarding (1) the filing of an amended complaint and (2) a proposed pretrial schedule. Accordingly,

IT IS HEREBY ORDERED THAT the CMC shall be CONTINUED from November 12, 2009 to **December 17, 2009 at 3:30 p.m.** The parties shall **meet and confer** prior to the conference and shall prepare a **joint**, updated CMC Statement which shall be filed no later than ten (10) days prior to the CMC that complies with the Standing Order for All Judges of the Northern District of California and the Standing Order of this Court. Plaintiff shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

IT IS SO ORDERED.

Dated: November 10, 2009


SAUNDRA BROWN ARMSTRONG
United States District Judge