

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

4 CEP EMERY TECH INVESTORS, LLC,

Case No: C 09-4409 SBA

5 Plaintiff,

6 vs.

**ORDER TO SHOW CAUSE RE
DISMISSAL**

7 JPMORGAN CHASE BANK, N.A.,

8 Defendant.

9
10 This Court previously scheduled a telephonic Case Management Conference for September
11 16, 2010, and ordered Plaintiff to meet and confer with Defendant and to file a Joint Case
12 Management Conference Statement at least ten days in advance of the hearing. (Docket 2, 4.)
13 Plaintiff failed to meet and confer with Defendant, failed to file a Case Management Statement as
14 ordered and failed to set up the call for the Case Management Conference. The failure to comply
15 with the Federal Rules of Civil Procedure, the Local Rules of the Court or any Court Order is
16 grounds for dismissal of this action under Federal Rule of Civil Procedure 41(b). See Ferdick v.
17 Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

18 IT IS HEREBY ORDERED THAT the parties shall show cause why the instant action
19 should not be dismissed under Rule 41(b) for failure to prosecute. Within seven (7) days of the
20 date this order is filed, the parties shall file a Certificate of Counsel to explain why the case should
21 or should not be dismissed. The Certificate shall set forth the nature of the cause, its present status,
22 the reason it has not been brought to trial or otherwise terminated, any basis for opposing dismissal
23 and its expected course if not dismissed. FAILURE TO FULLY COMPLY WITH THIS ORDER
24 WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION, WITHOUT
25 FURTHER NOTICE.

26 IT IS SO ORDERED.

27 Dated: September 17, 2010

28 
SAUNDRA BROWN ARMSTRONG
United States District Judge