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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUSAN IVIE,
Plaintiff,
v.
KRAFT FOODS GLOBAL, INC., et al.,
Defendants.

Case No. 12-cv-02554-JST

**ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE**

On November 7, 2016, the Court stayed this case until the Ninth Circuit issued rulings in *Jones v. ConAgra Foods, Inc.*, No. 14-16327 (9th Cir.) and *Kosta v. Del Monte Foods, Inc.*, No. 15-16974 (9th Cir.). ECF No. 93. The Court further ordered the parties to file a notice of decisions within 14 days of the later decision in the above-referenced cases, “as well as a joint statement indicating whether plaintiff intends to pursue class certification and, if so, a proposed schedule and discovery plan for continuation of the case.” *Jones* was voluntarily dismissed with prejudice on August 14, 2017, and *Kosta* case was voluntarily dismissed on September 6, 2017. However, the parties have not filed anything regarding the status of the case since November 2016, and Plaintiff has taken no action to prosecute the case in almost four years.

The Court therefore now **ORDERS THE PLAINTIFF TO SHOW CAUSE** why this case should not be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. A written response is due not later than October 1, 2020. If nothing is filed, the Court will dismiss this case with prejudice. *See* Fed. R. Civ. P. 41(b) (“Unless the dismissal order

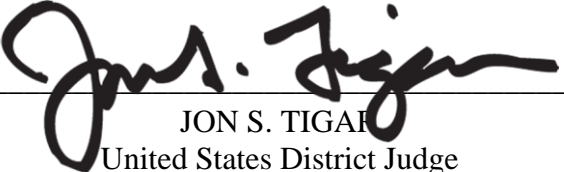
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states otherwise, a dismissal under this subdivision . . . operates as an adjudication on the merits.”).

IT IS SO ORDERED.

Dated: September 24, 2020



JON S. TIGAI
United States District Judge