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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
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7 THOMAS A. SMITH, et al.,

8 Plaintiffs,

No. C 14-0651 PJH

9 v.

**ORDER**

10 ZIMMER U.S., INC., et al.,

11 Defendants.  
12 \_\_\_\_\_/

13 Defendants having asserted that defendant Zimmer U.S., Inc., should be dismissed  
14 from the action because it is not a proper defendant, and the court having on two occasions  
15 set a deadline for plaintiff to notify the court as to the status of Zimmer U.S., Inc., or to  
16 dismiss Zimmer U.S., Inc., and plaintiff having on both occasions failed to comply with the  
17 court's order or otherwise respond, the court finds that plaintiff's claims against defendant  
18 Zimmer U.S., Inc. must be DISMISSED for failure to prosecute.

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20 **IT IS SO ORDERED.**

21 Dated: March 19, 2015



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PHYLLIS J. HAMILTON  
United States District Judge  
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