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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

12 JUNE FOSTER,

13 Plaintiff,

14 v.

15 KNTV TELEVISION, INC., et al.,

16 Defendants.
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Case Number C 06-5688 JF (PVT)

ORDER¹ (1) RE CASE STATUS AND
(2) SETTING STATUS CONFERENCE
FOR AUGUST 14, 2009

[re: docket no. 69]

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19 On September 15, 2006, Plaintiff June Foster filed a notice of removal of the instant
20 action from the Santa Clara Superior Court, seeking to remove a civil rights action for retaliatory
21 firing from the California state courts and to litigate it in federal court. This action previously
22 was subject to a jury trial in California, and plaintiff unsuccessfully appealed to the California
23 Court of Appeals and the California Supreme Court. On October 6, 2006, this Court denied
24 Foster's application to proceed *in forma pauperis*, noting the action's apparent lack of merit.

25 Plaintiff appealed the denial of her application to proceed *in forma pauperis*. On July 10,
26 2007, the Court received the mandate of the Ninth Circuit affirming this Court's denial of leave
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28 ¹ This disposition is not designated for publication in the official reports.

1 to proceed *in forma pauperis* and denying all other motions as moot. In light of that decision by
2 the Ninth Circuit, the Court ordered Plaintiff to pay the civil filing fee. Shortly thereafter,
3 Defendants filed a notice of an order entered by the United States Bankruptcy Court for the
4 Southern District of New York confirming the Defendants' plan for reorganization under Chapter
5 11 of the Bankruptcy Code. The instant case was stayed pending resolution of the bankruptcy
6 proceedings. Plaintiff eventually paid the filing fee on August 28, 2007, but the instant action
7 has remained stayed.

8 On June 2, 2009, Plaintiff submitted a letter to the Court expressing her concern that the
9 instant action may have been closed, rather than stayed. On June 16, 2009, counsel for
10 Defendants filed a letter in response, bringing to the Court's attention the disposition of
11 Plaintiff's claim in the bankruptcy proceeding. During the proceeding, the Bankruptcy Court
12 estimated her claim to be worth \$ 0.00 in light of the fact that Plaintiff's claim appeared to have
13 no likelihood of success. That order was affirmed by the United States District Court for the
14 Southern District of New York and the Second Circuit. On May 11, 2008, the Bankruptcy Court
15 entered a Confirmation Order, confirming the reorganization plan and discharging Plaintiff's
16 claim.

17 It light of the foregoing, the Court will set a status conference for August 14, 2009 at
18 10:30 AM. At this stage of the proceedings, Plaintiff's claim appears to lack merit. However, at
19 the status conference Plaintiff will be afforded an opportunity to explain why the instant action
20 should be maintained notwithstanding the discharge of her claim.

21 IT IS SO ORDERED.

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24 DATED: July 20, 2009

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JEREMY FOCHEL
United States District Judge

1 This Order has been served upon the following persons:

2 Krista Stevenson Johnson kjohnson@littler.com, akawase@littler.com

3 Ronald D. Arena rarena@arenahoffman.com

4 June Foster
5 P.O. Box 2134
6 San Leandro, CA 94577

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