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

North Coast Dist. Inc., et al,

NO. C 07-00655 JW

Plaintiffs,

**ORDER TO SHOW CAUSE RE:  
SETTLEMENT**

v.

Wal-Mart Stores, Inc.,

Defendant.

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This case is presently scheduled for a Preliminary Pretrial Conference on December 1, 2008. To date, the parties have failed to file the required Joint Preliminary Pretrial Statement which was due on November 21, 2008.

Upon an independent examination of the docket, the Court found that on August 21, 2007, Magistrate Judge Seeborg issued an Minute Order indicating that above-entitled matter has reached a settlement and that the settlement was placed on the record. (See Docket Item No. 27.) In light of the settlement, the Court vacates all trial and pretrial dates. On or before **December 12, 2008**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

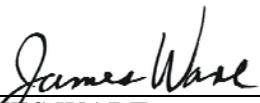
If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **December 22, 2008 at 9:00 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before **December 12, 2008**, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the

1 dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be  
2 automatically vacated.

3 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
4 this action.

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6 Dated: November 25, 2008

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Laura M. Franco lfranco@manatt.com  
3 Ray Khem Shahani rks@attycubed.com  
4 Susan E Hollander shollander@manatt.com

5 **Dated: November 25, 2008**

**Richard W. Wieking, Clerk**

6 **By:           /s/ JW Chambers**  
7 **Elizabeth Garcia**  
8 **Courtroom Deputy**

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