1 2 **E-Filed 9/23/10** 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 VLADIMIR A. BALAREZO, individually and on Case Number 5:07-cv-05243-JF (PVT) 12 behalf of others similarly situated, ORDER¹ DISMISSING WITH 13 Plaintiff. PREJUDICE CLAIMS OF CERTAIN PLAINTIFFS FOR FAILURE TO 14 **PROSECUTE** v. 15 NTH CONNECT TELECOM, INC., AND STEVEN CHEN, 16 Defendants. 17 18 Defendants moved previously pursuant to Federal Rule of Civil Procedure 41(b) to 19 dismiss with prejudice the claims of Plaintiffs Luis Cabrera ("Cabrera"), Abelardo Guerrero 20 ("Guerrero"), Xay Lee ("Lee"), James Morgan ("Morgan"), Jean-Marie Pierre ("Pierre"), Richard 21 Tran ("Tran"), and Henry L. Webb ("Webb"), alleging that these Plaintiffs had failed to attend 22 Court-ordered mediation sessions. In an order dated August 3, 2010, the Court denied 23 Defendant's motion without prejudice and ordered Cabrera, Guerrero, Lee, Morgan, Pierre, Tran, 24 and Webb to show cause why their claims should not be dismissed for lack of prosecution. 25 Plaintiffs were required to respond on or before September 10, 2010 and were advised that 26 27 28 ¹ This disposition is not designated for publication in the official reports. Case No. 5:07-cv-05243 JF (PVT)

ORDER DISMISSING WITH PREJUDICE CLAIMS OF CERTAIN PLAINTIFFS FOR FAILURE TO PROSECUTE (JFEX1)

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1	failure to respond could result in the dismissal of their claims with prejudice. (Docket No. 144 at
2	7:6-11.) Cabrera responded both through a written declaration, (Docket No. 146), and by
3	appearing in person at a hearing held on September 10, 2010, (see Docket No. 149). Cabrera
4	declares that he has participated in each of the "settlement proceedings" that "required [his]
5	attendance." (Docket No. 146.)
6	Cabrera's declaration and appearance establish good cause with respect to why his claim
7	should not be dismissed for lack of prosecution. Guerrero, Lee, Morgan, Pierre, Tran, and Webb
8	have not responded to the order to show cause. Accordingly, the claims of Guerrero, Lee,
9	Morgan, Pierre, Tran, and Webb will be dismissed with prejudice.
10	IT IS SO ORDERED.
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12	DATED: 9/20/10 JEREN FOGEL
13	Unit thates District Judge
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1	This Order was served on the following persons:
2	Adam Wang adamqwang@gmail.com, alpedersen@gmail.com, rosilenda@gmail.com
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7	San Pablo, CA 94806
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	Case No. 5:07-cv-05243 JF (PVT) ORDER DISMISSING WITH PREJUDICE CLAIMS OF CERTAIN PLAINTIFFS FOR FAILURE TO PROSECUTE