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United States District Court
For the Northern District of California

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

Timothy L. Gall,

NO. C 08-00120 JW

Plaintiff,

**ORDER TO SHOW CAUSE
RE: SETTLEMENT**

v.

City of San Jose,

Defendant.

On September 11, 2009, the parties jointly informed the Court that the above-entitled matter has reached a settlement. (See Docket Item No. 68.) In light of the settlement, the Court vacates all trial and pretrial dates. On or before **November 6, 2009**, 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 **November 16, 2009 at 9 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 **November 6, 2009**, 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 dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

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

Dated: September 16, 2009



JAMES WARE
United States District Judge

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

2 Clifford S. Greenberg cao.main@sanjoseca.gov

3
4 Timothy L Gall
5 15435 La Jolla Drive
6 Morgan Hill, CA 95037

7 **Dated: September 16, 2009**

Richard W. Wieking, Clerk

8 **By: /s/ JW Chambers**
9 **Elizabeth Garcia**
10 **Courtroom Deputy**

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