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

Steve Muscatell,

NO. C 08-00361 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE:  
SETTLEMENT**

v.

John Deere Construction and Forestry  
Company, et al.,

Defendants.

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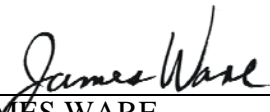
On August 7, 2009, Plaintiff informed the Court that the above-entitled matter has reached a settlement. (See Docket Item No. 57.) In light of the settlement, the Court vacates all trial and pretrial dates. On or before **September 21, 2009**, the parties shall file a stipulated dismissal pursuant to 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 **October 5, 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 **September 21, 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: August 19, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

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

2 Harry C. Gilbert hgilbert@travelers.com  
3 John Charles Stein jstein@boccardo.com  
4 Rebekka R. Martorano rmartorano@ryanfong.com  
5 Timothy John Ryan tryan@ryanfong.com

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**Dated: August 19, 2009**

**Richard W. Wieking, Clerk**

**By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**