

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Fibertrek, Inc., et al.,

NO. C 08-03415 JW

Plaintiffs,

**SECOND ORDER TO SHOW CAUSE RE:  
DISMISSAL**

v.

Preferred Corporate Services, Inc., et al.,

Defendants.

---

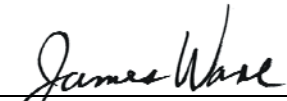
On June 24, 2010, the Court issued an Order to Show Cause (“OSC”) re: Dismissal in light of the parties’ failure to file a Joint Case Management Statement in preparation for a scheduled conference. (Docket Item No. 100.) On July 8, 2010, counsel for Plaintiffs filed a Response seeking an order to vacate the OSC in light of a settlement with the remaining Defendant, Linda Gregg. Counsel also represented that if the settlement falls through, Plaintiffs would be filing a motion for default judgment against Defendant Gregg. (Docket Item No. 103.) On July 9, 2010, the Court issued an order vacating the OSC and setting a hearing on Plaintiffs’ anticipated Motion for Default Judgment as to Defendant Linda Gregg. To date, Plaintiffs have failed to duly noticed and file the motion or otherwise communicate with the Court on the status of this case.

Accordingly, Plaintiffs shall appear on **October 4, 2010 at 9 a.m.** to show cause, if any, why the remainder of this action should not be dismissed for failure to prosecute. On or before **September 24, 2010**, Plaintiffs shall file a Statement in response to this Second Order to Show Cause. The Statement shall include, among other things, a statement as to why Plaintiffs have failed to adhere to the Court’s Orders and what steps Plaintiffs are taking to bring this case to a close.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Failure to comply with this Order is sufficient for a dismissal under Fed. R. Civ. P. 41(b).

Dated: September 14, 2010

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Brian Michael Affrunti baffrunti@bwslaw.com  
Claudia Carolina Bohorquez ccblaw@aol.com  
Douglas W. Dal Cielo ddalcielo@bwslaw.com  
Robert John Huston bob\_huston@yahoo.com

**Dated: September 14, 2010**

**Richard W. Wieking, Clerk**

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