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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,

v.

Preferred Corporate Services, Inc., et al.,

Defendants.

**ORDER VACATING PRELIMINARY  
PRETRIAL CONFERENCE;  
MAINTAINING HEARING ON ORDER  
TO SHOW CAUSE RE: SETTLEMENT  
ON MARCH 29 CALENDAR**

This case is scheduled for a hearing on an Order to Show Cause Re: Settlement and a Preliminary Pretrial Conference as to a non-settling Defendant on March 29, 2010. The settling parties were required to file a Stipulated Dismissal or Joint Statement on or before March 19, 2010, but to date, have failed to do so. (See Order Continuing Order to Show Cause Re: Settlement and Preliminary Pretrial Conference, hereafter, "OSC Re: Settlement," Docket Item No. 84.) In its OSC Re: Settlement, the Court made clear that the parties would be granted no further continuances, and that failure to comply with the Order may result in sanctions. (Id.)

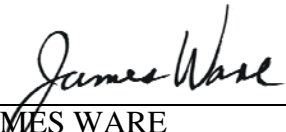
Although the parties failed to file a Stipulated Dismissal or Joint Statement as ordered, Plaintiffs filed a Motion to Substitute Personal Representative of Defendant Douglas Gregg, Deceased on March 19, 2010. (hereafter, "Motion," Docket Item No. 87.) Finding good cause, the Court VACATES the Preliminary Pretrial Conference as to the non-settling Defendant pending the Court's consideration of Plaintiff's Motion.

However, in light of the parties' failure to file a Stipulated Dismissal or Joint Statement to update the Court on the progress of their settlement, the settling parties shall appear on **March 29**,

1 **2010 at 9 a.m.** to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ.  
2 P. 41(b).

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Dated: March 25, 2010

  
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JAMES WARE  
United States District Judge

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

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

6 **Dated: March 25, 2010**

**Richard W. Wieking, Clerk**

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

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