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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

Joel Cabrera,
Plaintiff,
v.
Bay Area Credit Services,
Defendant.

NO. C 08-03761 JW

**ORDER TO SHOW CAUSE
RE: SETTLEMENT; REFERRING
PETITION FOR ATTORNEY FEES TO
THE ASSIGNED MAGISTRATE JUDGE
FOR REPORT AND
RECOMMENDATION**

On February 26, 2009, the parties informed the Court that the above-entitled matter has reached a settlement. (See Docket Item No. 19.) In light of the settlement, the Court vacates all trial and pretrial dates. On or before **May 1, 2009**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

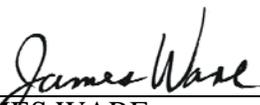
If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **May 11, 2009 at 9 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before **May 1, 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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In their Notice of Settlement, the parties set forth a briefing schedule for Plaintiff's attorney fees petition. The Court refers Plaintiff's anticipated petition for attorney fees under FDCPA to Magistrate Judge Lloyd for a report and recommendation. Accordingly, the Court reserves for Judge Lloyd the determination of the an appropriate briefing schedule.

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

Dated: March 19, 2009



JAMES WARE
United States District Judge

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

2 Andrew M. Steinheimer asteinheimer@ecplslaw.com
3 Darrell Warren Spence dspence@ecplslaw.com
4 Nicholas Joseph Bontrager nbontrager@consumerlawcenter.com

5 **Dated: March 19, 2009**

Richard W. Wieking, Clerk

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

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