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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

AXL Musical Instruments Co., Ltd.,  
Plaintiff,  
v.  
VHT Amplification, Inc.,  
Defendant.

NO. C 08-03947 JW  
**ORDER TO SHOW CAUSE  
RE: SETTLEMENT**

On December 12, 2008, the parties informed the Court that the above-entitled matter has reached a settlement. (See Docket Item No. 37.) In light of the settlement, the Court vacates all trial and pretrial dates, including the Case Management Conference currently set for December 22, 2008. On or before **January 16, 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 **January 26, 2009 at 9:00 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 **January 16, 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: December 18, 2008

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

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

2 Clark S. Stone cstone@macpherson-kwok.com  
Edward Chungfan Kwok ekwok@macpherson-kwok.com  
3 Meagan Marina McKinley-Ball mmb@phillaw.com  
Nicholas A. Carlin nac@phillaw.com  
4

5 **Dated: December 18, 2008**

**Richard W. Wieking, Clerk**

6  
7 **By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**  
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