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

CJ Investment Services, Inc., et al.,

NO. C 08-05550 JW

Plaintiffs,

v.

Michael D. Williams, et al.,

Defendants.

**ORDER VACATING PRELIMINARY
PRETRIAL CONFERENCE; SETTING
ORDER TO SHOW CAUSE RE:
DISMISSAL; SETTING PRELIMINARY
PRETRIAL CONFERENCE AS TO
CROSS-CLAIMS**

This case is scheduled for a Preliminary Pretrial Conference on June 28, 2010. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Pretrial Conference Statement.¹ The parties represent that Plaintiffs have reached a settlement with all Defendants except Defendant Williams, but that not all settling parties have signed the settlement agreement at this time. (See id. at 3-4.) Plaintiffs also represent that upon the signing of the agreement by all settling parties, Plaintiffs will dismiss their claims against Defendant Williams, leaving only Defendant Williams' cross-claims against Defendant Bishop in the case.

In light of the fact that the settlement agreement has yet to be executed by all settling parties, despite the Court having already twice continued the Preliminary Pretrial Conference to provide the parties additional time to finalize the settlement,² the Court finds good cause to VACATE the Preliminary Pretrial Conference and orders as follows:

¹ (See Docket Item No. 109.) Defendant Williams filed a separate statement. (See Docket Item No. 31.)

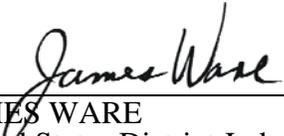
² (See Docket Item Nos. 26, 28.)

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- (1) On or before **August 16, 2010**, the settling 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 settling parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca on **August 30, 2010 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 **August 16, 2010**, the settling 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.
- (2) As to Defendant Williams' cross-claims, the Court sets **August 30, 2010 at 11 a.m.** as a Preliminary Pretrial Conference for this part of the case. On or before **August 16, 2010**, the relevant parties shall file a Joint Preliminary Pretrial Conference Statement. The Joint Statement shall include a good faith proposed trial schedule as well as an update on the parties readiness for trial and any settlement efforts.

No further continuances will be allowed.

Dated: July 8, 2010



JAMES WARE
United States District Judge

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

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Dated: July 8, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy