

1 *E-Filed 12/30/11*

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7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

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11 SILVIA OCHOA MARTINEZ, et al. Case No. C 09-1680 RS

12 Plaintiffs,

13 **ORDER CLOSING CASE**

14 v.

15 BK PAINTING, et al.,

16 Defendants.

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19 In April of 2011, an order issued directing plaintiffs either to file a request for dismissal or

20 show cause why this action should not be dismissed for failure to prosecute, in light of the fact that

21 there had been no activity in the matter for over a year. Plaintiffs did not respond to the order, but

22 defendants filed a notice that they had filed bankruptcy a year earlier, giving rise to an automatic

23 stay. From its own review of the bankruptcy docket, the Court was able to determine that plaintiffs

24 were pursuing their claims through an adversary proceeding in the bankruptcy court. The order to

25 show cause was therefore discharged, and the parties were directed to file periodic status reports.

26 The parties filed one timely status report, but failed to file a second report when it became

27 due. At this juncture, there is no reason to believe further proceedings in this Court will be

28 necessary. Accordingly, the parties are relieved of their obligation to file periodic status reports, and

1 the Clerk is directed to close this file administratively. This order is without prejudice to any rights
2 plaintiffs may have to pursue remedies in the bankruptcy proceeding and nothing in this order shall
3 be considered a dismissal or disposition of this action. Should further proceedings herein become
4 necessary or desirable, any party may initiate such proceedings in the same manner as if this order
5 had not been entered.

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7 IT IS SO ORDERED.

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9 Dated: 12/30/11

10 
11 RICHARD SEEBORG
12 UNITED STATES DISTRICT JUDGE

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