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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

Florine Holmes, et al.,  
Plaintiffs,  
v.  
Denny's, Inc., et al.,  
Defendants.

NO. C 09-04785 JW

**ORDER TO SHOW CAUSE RE:  
SETTLEMENT**

This case is scheduled for a Case Management on July 12, 2010. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Conference Statement. (hereafter, "Statement," Docket Item No. 28.) In their Statement, the parties represent that they have executed a settlement agreement resolving all claims in the case, and that they "do not expect any further action by the court." (*Id.* at 1.) In light of the settlement, the Court vacates all trial and pretrial dates. On or before **August 16, 2010**, 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 **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 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.

1 If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically  
2 vacated.

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

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6 Dated: July 8, 2010

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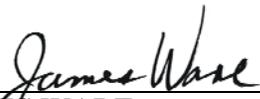
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JAMES WARE  
United States District Judge

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

2 Brian Gearinger brian@gearingerlaw.com  
3 Brian Thomas McMillan bmcmillan@littler.com  
4 Celia Louise McGuinness cmcguinness@reinlawoffice.com  
5 Paul Leslie Rein reinlawoffice@aol.com  
6 Todd Kenneth Boyer tboyer@littler.com

7  
8 **Dated: July 8, 2010**

**Richard W. Wieking, Clerk**

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