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

Juan Zavala, et al.,

NO. C 09-06056 JW

Plaintiffs,

v.

**ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO
PROSECUTE; VACATING CASE
MANAGEMENT CONFERENCE**

Rane's Gardening, et al.,

Defendants.

_____ /

This case is scheduled for a Case Management Conference on May 10, 2010. On May 3, 2010, Defendants filed a Case Management Conference Statement. (hereafter, "Statement," Docket Item No. 7.) To date, Plaintiffs have not filed a Case Management Conference Statement or otherwise communicated with the Court. Defendants' counsel declared that he has twice attempted to meet and confer with Plaintiffs' counsel with regard to this case, but Plaintiffs' counsel has so far failed to respond. (Declaration Regarding Efforts to Meet and Confer, hereafter, "Declaration," Docket Item No. 7.) Specifically, Defendants' counsel declared that he phoned Plaintiffs' counsel on or about April 19, 2010 in an attempt to discuss the Case Management Conference Statement, but Plaintiffs' counsel to date has not returned his call. (Id. ¶ 3.) Finally, Defendants have expressed their willingness to consent to a magistrate judge for all purposes, while Plaintiffs have yet to address the issue. (See Statement at 2.)

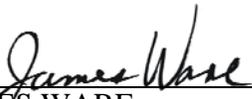
In light of Plaintiffs' failure to comply with the Court's Order regarding submission of a Joint Case Management Statement, and Defendants' counsel's representations regarding Plaintiffs'

1 counsel's failure to meet and confer, the Court VACATES the Case Management Conference and
2 orders as follows:

- 3 (1) On **May 24, 2010 at 9 a.m.**, Plaintiffs shall appear and show cause why this action
4 should not be dismissed for failure to prosecute.
- 5 (2) On or before **May 14, 2010**, Plaintiffs shall file a response to this Order and provide
6 the Court with an explanation of their failure to meet and confer with opposing
7 counsel or file a Case Management Conference Statement as ordered by the Court.

8 Failure to comply with any part of this Order may result in dismissal pursuant to Fed. R. Civ.
9 P. 41(b), which is a dismissal on the merits, or other forms of sanctions.

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11 Dated: May 5, 2010



JAMES WARE
United States District Judge

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

Adam Wang adamqwang@gmail.com
Raymond Paul Bolanos rb2659@att.com

Dated: May 5, 2010

Richard W. Wieking, Clerk

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