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

Lyn Malofsky,

NO. C 10-00327 JW

Plaintiff,

**ORDER VACATING PRELIMINARY
PRETRIAL CONFERENCE; ORDER TO
SHOW CAUSE RE. SETTLEMENT**

v.

Life Ins. Co. of North America, et al.,

Defendants.

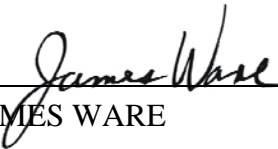
This case is scheduled for a Preliminary Pretrial Conference on December 13, 2010. The parties failed to file a Joint Statement and, upon inquiry, informed the Court that the above-entitled matter has reached a settlement. In light of the settlement, the Court vacates the Preliminary Pretrial Conference and all other pretrial deadlines. On or before **January 14, 2011**, 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 24, 2011 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 **January 14, 2011**, 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 9, 2010



JAMES WARE
United States District Judge

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

2 Arnold Ross Levinson alevinson@pillsburylevinson.com

3 Katie Joy Spielman kspielman@pillsburylevinson.com

4 Laura E. Fannon laura.fannon@wilsonelser.com

5 Rebecca Grey rgrey@pillsburylevinson.com

6 Sean Patrick Nalty sean.nalty@wilsonelser.com

7 Terrence J. Coleman tcoleman@pillsburylevinson.com

8 **Dated: December 9, 2010**

Richard W. Wieking, Clerk

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10 **By: /s/ JW Chambers**

Elizabeth Garcia

Courtroom Deputy

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