Arnold v. PNS Stores Inc.

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## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA **SAN JOSE DIVISION**

CONNIE ARNOLD,	) Case No.: 10-CV-01987-LHK
Plaintiff,	)
PNS STORES INC.; 200 SIERRA WAY LLC; and DOES 1-10, inclusive,	ORDER VACATING HEARING ON ORDER TO SHOW CAUSE
Defendants.	) ) )

The Complaint in this case was filed on May 7, 2010. Because the Complaint asserts violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq., General Order 56 applies. Under General Order 56, the Court set a schedule with deadlines for certain events. See Dkt. No. 4. According to this schedule, the parties were to complete a joint site visit no later than August 16, 2010, and had up until 45 days from that date to file a "Notice of Need for Mediation." Therefore, the "Notice of Need for Mediation" was due on September 30, 2010. No such document was filed by the September 30, 2010 deadline.

Accordingly, the Court issued an Order to Show Cause why the case should not be dismissed for failure to prosecute on January 14, 2011. On January 19, 2011, the Plaintiff in this matter filed a Notice of Need for Mediation, stating that the parties had conducted a joint site inspection on November 10, 2010 (over three months after the deadline). It is now more than eight

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Case No.: 10-CV-01987-LHK

ORDER VACATING HEARING ON ORDER TO SHOW CAUSE

## United States District Court For the Northern District of California

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months since the case was filed, and over three months since the deadline for filing a "Notice of Need for Mediation" passed.

The Court will permit this matter to progress to mediation, and hereby VACATES the February 14, 2011 response date for Plaintiff's response to the Order to Show Cause, and the March 24, 2010 hearing on that Order. However, the Court will not grant further continuances without a compelling reason to do so. If the parties wish to seek relief from Court-ordered deadlines they must seek this relief before the deadlines have passed, and must provide good reasons for any continuance.

## IT IS SO ORDERED.

Dated: January 20, 2011

LUCY H. KOH United States Ostrict Judge

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Case No.: 10-CV-01987-LHK ORDER VACATING HEARING ON ORDER TO SHOW CAUSE