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

SIMON G. OHAYON, individually and on behalf of all others similarly situated, CASE NO. 5:11-cv-01662 EJD
ORDER TO SHOW CAUSE


Plaintiff(s),
v.
THE HERTZ CORPORATION,
Defendant(s).

On March 19, 2012, the court approved the parties' stipulation vacating all deadlines in this action in favor of a settlement reached at mediation. See Docket Item No. 38. As part of that stipulation, the Plaintiff was ordered to file a Motion for Preliminary Approval of the class action settlement no later than May 14, 2012. See id. This deadline was subsequently extended to May 28, 2012, pursuant to a further stipulation. See Docket Item No. 41. The anticipated Motion for Preliminary Approval was scheduled for hearing on June 29, 2012. See id.

To date, Plaintiff has not complied with the deadlines as stipulated between the parties and ordered by the court. Accordingly, the hearing reserved for June 29, 2012, is VACATED and the court issues an Order to Show Cause why this action should not be dismissed for failure to prosecute. If Plaintiffs do not, **by June 29, 2012**, demonstrate good cause in writing why this case should not be dismissed by explaining the failure to file a timely Motion for Preliminary Approval, the Court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b). No hearing will be held on the order to show cause unless otherwise ordered by the Court.

IT IS SO ORDERED.

Dated: June 22, 2012


EDWARD J. DAVILA
United States District Judge

United States District Court
For the Northern District of California