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**\*E-FILED: July 16, 2013\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSHUA EMETERIO and JOHN P. FISCHER, No. C12-04296 HRL

Plaintiffs,

v.

**ORDER TO SHOW CAUSE RE  
SETTLEMENT**

ASHRON CONSTRUCTION &  
RESTORATION, INC.; SAN FRANCISCO  
BAY AREA RAPID TRANSIT DISTRICT; and  
SURETEC INSURANCE COMPANY,

Defendants.

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Plaintiffs previously dismissed defendant San Francisco Bay Area Rapid Transit without prejudice; and, the court is informed that the remaining parties have settled this matter.

Accordingly, all previously set deadlines and appearances are vacated.

**On or before August 30, 2013**, the parties shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a). If a dismissal is not filed by the specified date, the parties shall appear in Courtroom 2, 5th Floor of the United States District Court, 280 South First Street, San Jose, California on **September 10, 2013, 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). The parties shall file a joint statement in response to this Order to Show Cause **no later than September 3, 2013**, advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time,

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if any, is requested to finalize the settlement and file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated and the parties need not file a statement in response to this Order.

SO ORDERED.

Dated: July 16, 2013



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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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

1 5:12-cv-04296-HRL Notice has been electronically mailed to:

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