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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SCOTT JOHNSON,  
Plaintiff,  
v.  
DONALD P. LYNCH,  
Defendant.

Case No. 5:18-cv-00906-VKD

**ORDER TO SHOW CAUSE RE  
SETTLEMENT**

Re: Dkt. No. 27

The Court having been informed that the parties have settled this matter, all previously scheduled deadlines and appearances are vacated. Additionally, the Court orders as follows:

On or before **January 31, 2019**, the parties shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendants have not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendant answered the complaint, plaintiff may not voluntarily dismiss this case absent a stipulation also signed by defendant or an order from this Court.

If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor of the United States District Court, 280 South First Street, San Jose, California on **February 12, 2019, 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **February 5, 2019** advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, 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

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this Order.

**IT IS SO ORDERED.**

Dated: December 31, 2018

*Virginia K. DeMarchi*  
VIRGINIA K. DEMARCHI  
UNITED STATES MAGISTRATE JUDGE