

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JACOB ESPITIA,
Plaintiff,
v.
MEZZETTI FINANCIAL SERVICES,
INC.,
Defendant.

Case No.18-cv-02480-VKD
**ORDER TO SHOW CAUSE RE
SETTLEMENT**
Re: Dkt. No. 50

The Court is informed that the parties have agreed on the terms of a settlement of this action and are memorializing those terms in a written settlement agreement. In view of the parties' representations to the Court, on or before **March 25, 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 the 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 **April 2, 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 **March 26, 2019** advising as to (1) the status of their activities in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and file the dismissal.

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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. All previously scheduled deadlines and appearances remain as set by the Court. See Dkt. No. 30.

IT IS SO ORDERED.

Dated: February 12, 2019


VIRGINIA K. DEMARCHI
United States Magistrate Judge