

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 0:11-cv-61923-DIMITROULEAS/SNOW

LORILYNN RICE, KRISTEN
GURDAK, GABRIEL AGUILAR,
BRITTANY SOTO, AND LAUREN
TAYLOR, on their own behalves and
others similarly situated,

Plaintiffs

vs.

LUCKY BRAND DUNGAREES
STORES, INC., a foreign profit
corporation,

Defendants.

ORDER TO SHOW CAUSE

THIS CAUSE is before the Court *sua sponte*.

The parties in this case have filed two joint motions for extensions of time in order to allow the Defendant to file a response at a date later than the one set by the Federal Rules of Civil Procedure. *See* [DE 6, 8]. The parties' grounds for those motions were that they were engaged in fruitful settlement negotiations, justifying the delay. *See id.* The Court granted both motions. *See* [DE 7, 9]. As a result, the Defendant's response was set to be due on November 28, 2011. *See* [DE 9]. Because the Court had granted extensions of the normal period to respond totaling 46 days, the Court warned the parties that the Court would be unlikely to grant any further extensions. Nevertheless, Defendant failed to respond by the deadline.

A court has the inherent power to *sua sponte* dismiss a case for lack of prosecution. *See* Link v. Wabash Railroad Co., 370 U.S. 626, 630 (1962). Pursuant to Federal Rule of Civil

Procedure 41(b), a district court also may dismiss a complaint for failure to comply with a court order or the federal rules. *See id.*

Accordingly, it is **ORDERED AND ADJUDGED** that if by December 2, 2011, the Defendant has not filed a response to the Complaint and the Plaintiffs have not moved for a Clerk's Entry of Default, filed a notice of settlement, or shown cause other than "fruitful" settlement discussions, the Court shall dismiss this action.

DONE AND ORDERED in Chambers at Ft. Lauderdale, Broward County, Florida, this 29th day of November, 2011.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of Record