

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 22-51-MWF (JCx)

Date: January 29, 2024

Title: Activision Publishing, Inc. v. EngineOwning UG, et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:
Rita Sanchez

Court Reporter:
Not Reported

Attorneys Present for Plaintiffs:
None Present

Attorneys Present for Defendants:
None Present

Proceedings (In Chambers): ORDER TO SHOW CAUSE

On February 15, 2023, the Court issued an Order Granting Joint Stipulation for Entry of Consent Judgment and Permanent Injunction against Defendant Manuel Santiago. (Docket No. 86).

On April 4, 2023, the Court denied in part and granted in part a Motion to Dismiss filed by Defendants EngineOwning UG, Valentin Rick, Leonard Bugla, Leon Frisch, Marc-Alexander Richts, Alexander Kleeman, Leon Schlender, Bennet Huch, Pascal Classen, and Remo Loffler. (Docket Nos. 100, 101). In so doing, the Court allowed Plaintiff to file a Second Amended Complaint by no later than April 18, 2023. (Docket No. 101 at 51). Plaintiff Activision Publishing, Inc. did not file an amended complaint, which the Court construed as a desire to stand on its First Amended Complaint.

On May 23, 2023, the Court issued an Order permitting counsel to withdraw from representation of Defendants Leonard Bugla, Pascal Classen, EngineOwning UG, Leon Frisch, Bennet Huch, Alexander Kleeman, Remo Loffler, Marc-Alexander Richts, Valentin Rick, and Leon Schlender. (Docket No. 111). The Court continued the deadline to file an Answer to July 17, 2023.

Subsequently, Defendants Marc-Alexander Richts, Alexander Kleeman, Leon Frisch, and Leon Schlender indicated their intent to proceed pro se. (*See* Docket Nos. 113, 114, 116, 117, 118, 119, 120).

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As of January 29, 2024, no Answer has been filed, and Plaintiff has not taken any further substantive action.

As such, Plaintiff is **ORDERED TO SHOW CAUSE** (“OSC”), in writing, by no later than **February 9, 2024**, why this action should not be dismissed for failure to state a claim for relief under Federal Rule 12(b)(6) and/or failure to prosecute under Federal Rule 41(b). *See Reed v. Lieurance*, 863 F.3d 1196, 1207 (9th Cir. 2017) (“A trial court may dismiss a claim sua sponte under Rule 12(b)(6)[.]” (citations omitted)); *see also Link v. Wabash R. Co.*, 370 U.S. 626, 633 (1962) (“[A] District Court may dismiss a complaint for failure to prosecute[.]”).

Plaintiff is warned that failure to respond to the OSC by **February 9, 2024**, will result in dismissal of this action. No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15.

IT IS SO ORDERED.