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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

PETE’S SEATS, INC., ) Case No.: 1:14-cv-0777 - JLT  
 )  
Plaintiffs, )  
 ) ORDER DENYING REQUEST FOR A 30-DAY  
v. ) EXTENTION OF TIME TO RESPOND TO THE  
 ) ORDER TO SHOW CAUSE  
PETE’S SPORTS AND )  
ENTERTAINMENT, LLC, ) (Doc. 55)  
 )  
Defendants. )  
 )  
 )  
AND RELATED COUNTER-CLAIMS )  
 )

On October 29, 2015, the Court granted attorney, Paul Reidl’s, motion to withdraw as counsel for Plaintiff. (Doc. 52) Notably, the was granted after Mr. Reidl filed the motion to withdraw on September 30, 2015 and after Plaintiff was served notice of the request to withdraw on that same date. (Doc. 45-1 at 5) Thus, as of now, Plaintiff has been on notice of the need to obtain replacement counsel for more than 75 days. Despite this, it appears Plaintiff has taken no action to obtain replacement counsel. Notably, when the Court grant Mr. Riedl’s request to withdraw, it ordered, “Replacement counsel for the corporation **SHALL** enter an appearance in this matter **within 21 days.**” *Id.* at 4. Plaintiff failed to comply.

On November 23, 2015, the Court ordered Plaintiff to show cause within 14 days, why the matter should not be dismissed for its failure to prosecute the action and to obey the Court’s orders.

1 (Doc. 54) Two weeks later, the corporation failed to respond but the President of the corporation, Pete  
2 Kennedy, responded and asked both for an extension of time of both 30 days and for 90 days to  
3 respond to the OSC. (Doc. 55) Mr. Kennedy notes, “Plaintiff has taken steps and is in the process of  
4 retaining a lawyer to represent it in this case.” Id. at 1. He fails utterly to describe what steps he has  
5 taken and exactly what he means by being “in the process” of hiring a lawyer. Id. This is insufficient.  
6 Moreover, Mr. Kennedy has absolutely no authority to appear in this action. He is not a party to the  
7 action and the corporation may only appear through counsel.

8 In the meanwhile, Defendant has filed a motion to dismiss for lack of prosecution. (Doc. 53)  
9 Plaintiff has not opposed that motion and the time for doing so has passed. Accordingly, the Court

10 **ORDERS:**

11 1. The request of Pete Kennedy for a 30 or a 90-day extension of time to respond to the  
12 order to show cause is **DENIED**. **The corporation SHALL appear through counsel or show cause**  
13 **why the matter should not be dismissed no later than December 18, 2015.**

14 **Plaintiff is advised that the failure to comply with this order will result in the action being**  
15 **dismissed without further notice.**

16  
17 IT IS SO ORDERED.

18 Dated: December 9, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE