United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARTIN GARDNER REIFFIN,   No. C 98-00266 WHA

      Plaintiff,

  v.   **ORDER TO SHOW
                                                          CAUSE WHY CASE**
MICROSOFT CORPORATION,   **SHOULD NOT BE
                                                          RE-OPENED AND**
      Defendant.   **RE-ASSIGNED**

                                     /

     "In the event an order is needed in a closed case assigned to a judicial officer who is

deceased or no longer sitting, the clerk shall refer the matter to the general duty judge for

disposition. If a ruling by the general duty judge results in the reopening of such a case, the clerk

shall randomly reassign the case pursuant to paragraph D." General Order 44 ¶ K.

     In May 2010, a stipulated final judgment was entered in this action, and the district court

case was closed. The assigned judge subsequently retired. In April 2011, following appeal, four

motions were filed (Dkt. Nos. 628, 632, 633, 640). Those motions were referred to the

undersigned judge, who was serving as general duty judge during the month of April. An

additional motion was filed in May 2011, when the undersigned judge no longer was serving as

general duty judge (Dkt. No. 645). The following motions remain pending:

- a motion for leave to withdraw as plaintiff's counsel by Attorneys Norman H. Beamer and Jesse J. Jenner of Ropes & Gray LLP;

- a motion for leave to withdraw as plaintiff's counsel by Attorney Joseph L. Spiegel of Spiegel Brown Fichera & Acard LPP; and

- defendant's motion for attorney's fees.

The parties are hereby **ORDERED** to show cause at the May 26 hearing why the case should not be re-opened and randomly re-assigned, rather than remaining with the undersigned judge (who is no longer serving as general duty judge) before the pending motions are resolved. This issue will be the first item addressed at the May 26 hearing. Additionally, any written statements on this issue may be filed by **NOON ON MAY 25, 2011**.

IT IS SO ORDERED.

Dated: May 23, 2011.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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