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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN GIDDING and PIVOTAL, INC.,

Plaintiffs,

No. C 07-04755 JSW

v.

ORDER OF DISMISSAL

DEREK ANDERSON, et al.,

Defendants.

_____ /

This matter is currently set for hearing on a motion to withdraw as counsel on December 4, 2009 for Plaintiff Pivotal, Inc. However, most of the defendants in this matter have been dismissed and Pivotal, Inc. will not be permitted to proceed without counsel. On November 2, 2009, the Court issued an order requiring that Plaintiffs and the remaining Defendants submit a status report by no later than November 13, 2009 indicating whether Plaintiffs intend to pursue this matter further as against the remaining defendants and indicating the status of that prosecution, if any. The order indicated that should the Court not receive a status report by November 13, 2009, this matter would be dismissed in its entirety for failure to prosecute.

Having received no status report from Plaintiff, the Court HEREBY DISMISSES this action without prejudice for failure to prosecute. The hearing set for December 4, 2009 on the motion to withdraw as counsel is HEREBY VACATED.

IT IS SO ORDERED.

Dated: November 30, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE