

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PORFIRIO ZAMORA, *et al.*,

No. C-08-4905 EMC

Plaintiffs,

v.

RESPONSIBLE ROOFING, INC., *et al.*,

Defendants.

**ORDER GRANTING DEFENSE
COUNSEL'S MOTION TO
WITHDRAW; STAYING
PROCEEDINGS; AND VACATING
HEARING ON PLAINTIFFS' MOTION
TO CONSOLIDATE**

(Docket No. 37)

Defense counsel has filed a motion to withdraw as counsel in this case. According to a declaration submitted by one of the attorneys, Defendants have consented to the withdrawal of counsel. *See* Malaspina Decl. ¶ 4. In addition, a copy of the motion to withdraw was served on Defendants but they did not file any response to the motion nor did they appear at the hearing on the motion.

Because Defendants do not oppose the request to withdraw, and because the withdrawal would not appear to prejudice either Defendants or Plaintiffs (Plaintiffs also did not oppose the motion to withdraw or make an appearance), the Court hereby **GRANTS** the motion.

The Court also orders as follows:

- (1) Counsel shall immediately serve a copy of this order on Defendants.
- (2) In the future, service on Paul Marvin Elmore, Jr., shall be made at the following address (unless the Court and the parties are notified otherwise by Mr. Elmore): P.O. Box #41414, San Jose, CA 95106.

1 (3) In the future, service on David Landeros shall be made at the following address
2 (unless the Court and the parties are notified otherwise by Mr. Landeros): 539 North Santa Venetia,
3 Los Banos, CA 93635.

4 (4) In the future, service on Eduardo Pena shall be made at the following address (unless
5 the Court and the parties are notified otherwise by Mr. Pena): 1357 El Cajon Lane, Los Banos, CA
6 93635.

7 (5) In the future, service on Responsible Roofing shall be made at the following address
8 (unless the Court and the parties are notified otherwise by Responsible Roofing): P.O. Box #41414,
9 San Jose, CA 95106.

10 (6) Mr. Elmore, Mr. Pena, and Mr. Landeros are henceforth deemed pro se litigants (*i.e.*,
11 litigants without representation by counsel) unless an appearance by counsel is made.

12 (7) Responsible Roofing, as a corporation, may appear only through a member of the bar
13 of this Court. *See* Civ. L.R. 3-9(b). Accordingly, the Court shall give Responsible Roofing until
14 **September 30, 2009**, to find counsel *and* have counsel make an appearance in this case.
15 Responsible Roofing is forewarned that, should it fail to have counsel make an appearance by the
16 date specified, then it may be subject to a default judgment.

17 (8) All proceedings in this case are stayed until **September 30, 2009**, in order to give
18 Responsible Roofing an opportunity to obtain counsel. Accordingly, the Court hereby **VACATES**
19 the August 4, 2009, hearing on Plaintiffs' motion to consolidate. The Court shall hold a case
20 management conference in this case on **October 7, 2009, at 2:30 p.m.** At that point, the Court shall
21 set a new hearing date for Plaintiffs' motion.

22 This order disposes of Docket No. 37.

23
24 IT IS SO ORDERED.

25
26 Dated: July 10, 2009

27
28 
EDWARD M. CHEN
United States Magistrate Judge