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

ZHI YANG ZHOU, et al.,

No. C09-6059 JSC

Plaintiffs,

**ORDER TO SHOW CAUSE TO  
PLAINTIFFS**

v.

JIANG DAVID, et al.,

Defendants.

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On August 30, 2011, the parties stipulated to continue the case management conference (“CMC”) scheduled for August 31, 2011 to September 15, 2011. The parties explained that Plaintiffs’ counsel Adam Wang had been “informed that a new counsel has been retained for Plaintiffs to substitute in his place” but that no substitution had yet been made. (Dkt. No. 61.) Upon this representation the Court continued the CMC to the parties’ chosen date, September 15, 2011.

Plaintiffs did not submit a case management conference statement for the September 15, 2011 CMC. Nor had new counsel substituted in for Plaintiffs’ counsel. In order to give Plaintiffs yet a further opportunity to substitute new counsel, the Court continued the CMC to November 3, 2011 and admonished Plaintiffs’ counsel to file a Joint Case Management Conference Statement.

Unfortunately, as of the date of this Order--the day before the CMC--Plaintiffs have,

1 once again, not submitted a CMC statement, either jointly or separately. Nor did Plaintiffs'  
2 counsel even respond to a courtesy email reminder sent by the Deputy Clerk. And Plaintiffs'  
3 counsel has not moved to withdraw. These failures are not the first time Plaintiffs have  
4 ignored the rules of the Court in this action. In July 2011, the settlement judge, Magistrate  
5 Judge Zimmerman, ordered Plaintiffs to show cause why they should not be sanctioned for  
6 failing to timely file a settlement conference statement. (Dkt. No. 54.)

7 Accordingly, in light of Plaintiffs' repeated failures to file case management  
8 conference statements, and their apparent inability to settle on representation in this case,  
9 Plaintiffs are ordered to show cause why this action should not be dismissed pursuant to  
10 Federal Rule of Civil Procedure 41 for a failure to prosecute. The Court will address the  
11 matter at the case management conference scheduled for 1:30 p.m. tomorrow, November 3,  
12 2011.

13 **IT IS SO ORDERED.**

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15 Dated: November 2, 2011

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18 JACQUELINE SCOTT CORLEY  
19 UNITED STATES MAGISTRATE JUDGE  
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