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 8 Attorneys for Defendants
 9 THE CITY AND COUNTY OF SAN FRANCISCO,
 CALIFORNIA, et al.

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13
 14 PP&M TOWING & RECOVERY, INC., a
 California Corporation,

15 Plaintiff,

16 vs.

17 THE CITY AND COUNTY OF SAN
 FRANCISCO, CALIFORNIA, a
 18 subdivision of the State of California; and
 GEORGE GASCON, in his capacity as
 19 the Chief of Police of the City of San
 Francisco, California,; and DOES 1
 20 THROUGH 20,

21 Defendant.

Case No. CV 10 1466 TEH

**~~PROPOSED~~ ORDER DISMISSING
 CASE FOR FAILURE TO
 PROSECUTE**

Date: November 22, 2010
 Time: 10:00 a.m.
 Place: Courtroom G, 15th Floor

1 On October 13, 2010, counsel for plaintiff PP&M Towing & Recovery, Inc. ("PP&M") filed a
2 motion to withdraw on the ground that PP&M had breached its fee agreement with counsel. The
3 motion was noticed for hearing on November 22, 2010, at 10:00 a.m. In connection with his motion,
4 counsel testified by declaration that he had attempted repeatedly to contact his client by telephone and
5 electronic mail regarding the alleged breach of the fee agreement, and regarding his intent to move to
6 withdraw as counsel. Counsel testified that PP&M did not respond to these messages.

7 Defendant City and County of San Francisco ("City") filed a statement of non-opposition to
8 the motion to withdraw. PP&M itself did not file a response to the motion.

9 On November 4, 2010, this Court issued an order directing PP&M to appear at the November
10 22, 2010 hearing, either through substitute counsel or by a corporate representative. The Court's
11 order further directed that, if PP&M had not obtained substitute counsel by the date of the hearing but
12 wished to continue pursuing the case, its corporate representative must come prepared to inform the
13 Court of the steps the company had taken and would take to locate substitute counsel, or to present
14 reasons why the motion by current counsel to withdraw should not be granted. Furthermore, the
15 Court's order directed that if PP&M did not appear at the November 22, 2010 hearing, either through
16 substitute counsel or by a corporate representative, then the Court would dismiss the case for failure
17 to prosecute. Finally, the Court's order directed that current counsel for PP&M send a copy of the
18 order to PP&M both by electronic mail and United States mail. Current counsel for PP&M filed a
19 proof of service on November 4, 2010, certifying that he had served the Court's order on PP&M in
20 accordance with the instructions of the order.

21 The matter came on for hearing on November 22, 2010 at 10:00 a.m. PP&M did not appear at
22 the hearing, either through substitute counsel or through a corporate representative. Accordingly,
23 pursuant to Federal Rule of Civil Procedure 41(b), and pursuant to this Court's order of November 4,
24 2010, the case is hereby DISMISSED for failure to prosecute.

25 It is so ordered.

26 Date: 11/23/ _____, 2010

27 The Hon. _____
28 Judge of _____ Court

