

1 UNITED STATES DISTRICT COURT
2 Northern District of California

3
4 FRANKLIN E GLASER, et al.,

No. C 10-04325 MEJ

5 Plaintiffs,

SECOND ORDER TO SHOW CAUSE

6 v.

7 ADVANTAGE FINANCIAL, et al.,

8 Defendants.

9 On September 29 and October 1, 2010, the Defendants in the above-captioned matter filed
10 motions to dismiss, with a noticed hearing date of November 18, 2010. (Dkt. ##5, 11.) Pursuant to
11 Civil Local Rule 7, Plaintiffs' opposition was due by October 28, 2010; however, Plaintiffs failed to
12 file an opposition. Accordingly, the Court ordered Plaintiffs Franklin and Victoria Glaser to show
13 cause why this case should not be dismissed for failure to prosecute and comply with court
14 deadlines. (Dkt. #15.) In response, Plaintiffs' counsel filed a declaration explaining that an
15 opposition had not been filed due to personnel changes. (Dkt. #16.) The Court subsequently
16 discharged the order to show cause and gave Plaintiffs until November 29, 2010 to file an opposition
17 and scheduled a hearing on Defendants' motions on December 23, 2010.

18 Plaintiffs have again failed to file an opposition. Considering that Plaintiffs are represented
19 by counsel, the repeated failure to file an opposition is troubling. Accordingly, the Court hereby
20 VACATES the December 23, 2010 hearing and ORDERS Plaintiffs to show cause why this case
21 should not be dismissed for failure to prosecute and comply with court deadlines. Plaintiffs shall file
22 a declaration by December 16, 2010. As a previous order to show cause has already been issued
23 and, in response, Plaintiffs' counsel blamed personnel issues, Plaintiffs should be mindful that they
24 must establish good cause to allow this case to go forward.

25 **IT IS SO ORDERED.**

26
27 Dated: December 1, 2010

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Maria-Elena James
Chief United States Magistrate Judge