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

United States District Court
Northern District of California

BERNARD T. FLORES, AND
BENJAMIN T. FLORES,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

Case No.: C-13-2410 JSC

**ORDER TO SHOW CAUSE TO
PLAINTIFFS' COUNSEL LINDA Z.
VOSS**

Defendant Wells Fargo Bank, NA (“Wells Fargo”) removed this action from the San Mateo County Superior Court on May 28, 2013 based on diversity jurisdiction. (Dkt. No. 1.) On June 18, 2013, Wells Fargo moved to dismiss the complaint for failure to state a claim upon which relief could be granted. (Dkt. No. 8.) Plaintiffs failed to file an opposition or statement of non-opposition as required by Local Rule 7-3 so the Court issued an Order to Show Cause as to why the action should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Dkt. No. 10.) Plaintiffs failed to timely respond to the Court’s Order; instead, Plaintiffs, through counsel, moved to voluntarily dismiss the case on July 24, 2013. (Dkt. No. 11.)

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The Court did not grant Plaintiffs’ motion because it has come to the Court’s attention that Plaintiffs’ counsel, Linda Z. Voss, was suspended from practice in this Court on an interim basis on June 3, 2013. *See In re: Linda Z. Voss*, No. 13-mc-80120-WHA, Dkt. No. 1. This suspension became final on July 18, 2013. *Id.* at Dkt. No. 2. As far as the Court is aware, Counsel Voss has not challenged this suspension in any way. Nor has Voss given notice of her suspension in this action or any of the many other actions which she has pending in the District Court for the Northern District of California. *See, e.g., Copper Hill, Inc. v. Pagtalunan et al.*, No. 13-cv-01345-LB; *AH4R-CA, LLC v. De Leon et al.*, No. 13-cv-01667-WHO; *Lampa-De Leon et al. v. Deutsche Bank, NTC*, No. No. 13-cv-01709-LB; *Granite Ranch Opportunities, LLC v. Hecker*, No. 13-cv-02966-WHO; *Caballero et al v. Bank of New York Mellon*, No. 13-cv-03178-EMC; *Garcia et al v. Aurora Loans Services et al.*, No. 13-cv-03028-PSG.

Counsel Voss is hereby ORDERED TO PERSONALLY APPEAR AND SHOW CAUSE on August 15, 2013 at 9:00 a.m., Courtroom F, 15th Floor, 450 Golden Gate Avenue in San Francisco as to whether the motion for voluntarily dismissal she filed on Plaintiffs’ behalf was filed with their consent and whether they had notice of her suspension from practice. Further, Counsel Voss shall show cause as to why she should not be referred to the California State Bar based on the fact that she has continued to file pleadings in this Court despite the fact that she had been suspended from practice, failed to provide the Court with notice of her suspension, and failed to substitute counsel or make other arrangements regarding representation of her clients.

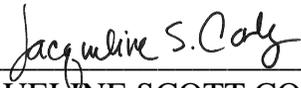
As neither party appeared for the hearing on Wells Fargo’s Motion to Dismiss set for August 1, 2013, that motion is stayed pending disposition of this Order to Show Cause.

Counsel Voss shall serve a copy of this Order on Plaintiffs individually and file proof of service with this Court within 7 days.

IT IS SO ORDERED.

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Dated: August 2, 2013



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE