

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRITZ WUTHRICH

No. 14-cv-00871-EMC

Appellant

**ORDER TO SHOW CAUSE WHY
APPEAL SHOULD NOT BE DISMISSED
FOR LACK OF PROSECUTION**

v.

AMER SPORTS WINTER & OUTDOOR
COMPANY

Appellee.

Appellant filed the instant appeal from the United States Bankruptcy Court for the Northern District of California on February 26, 2014. Dkt. No. 1. Appellant is represented by Ms. Ruth Elin Auerbach, Esq. The same day the Notice of Appeal was received by this Court, the Clerk of the Court issued an order that provided, in relevant part:

Pursuant to Fed. R. Bankr. P. 8010 and B.L.R. 8010-1, the appellant must serve and file a brief not exceeding 25 pages in length 28 days after the record on appeal has been entered on the District Court docket.


Dkt. No. 2, at 1. The bankruptcy record on appeal was received by the Court on May 20, 2014. That same date, the Clerk of the Court issued a "Notice of Briefing" which stated, in relevant part, that "appellant must serve and file a brief not exceeding 25 pages in length on 6/17/14." Dkt. No. 4, at 1.

Over six months have elapsed and no opening brief has been filed by Appellant. On November 25, 2014, Appellee filed a motion to dismiss for lack of prosecution. No opposition has been filed. The hearing on Appellee's motion, currently set for January 15, 2015 at 1:30 is

1 **VACATED.** Appellant is hereby **ORDERED** to **SHOW CAUSE** why this appeal should not be
2 dismissed for failure to prosecute. Appellant's response to this order shall not exceed 10 pages and
3 shall be filed no later than **Wednesday, January 14, 2015 at 3:00pm.** Appellant is hereby advised
4 that failure to file a response to this order may result in dismissal of this appeal for lack of
5 prosecution.

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7 **IT IS SO ORDERED.**

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9 Dated: January 6 , 2015

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12 **EDWARD M. CHEN**
13 United States District Judge
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