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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

YANA ZELKIND,  
Plaintiff,  
v.  
FLYWHEEL NETWORKS, INC.,  
Defendant.

Case No. [15-cv-03375-WHO](#)

**ORDER TO SHOW CAUSE**

Re: Dkt. No. 39

On October 16, 2015, I granted defendant’s motion to compel arbitration and required the parties to file a Joint Status Report every six months apprising the Court of the status of the arbitration. Dkt. No. 38.

On April 15, 2016, defendant filed a status report explaining that arbitration had not commenced and that Alexander Johnson, plaintiff’s counsel of record, has indicated that he no longer represents plaintiff<sup>1</sup> and would not oppose a dismissal without prejudice. Dkt. No. 39. However, defendant was unable to secure a joint stipulation regarding a dismissal without prejudice and now seeks a dismissal with prejudice from the Court.

Accordingly, plaintiff is ORDERED TO SHOW CAUSE why this action should not be dismissed for failure to prosecute. Because the relationship between Johnson and plaintiff is unclear, Johnson shall notify plaintiff of this Order by telephone and serve plaintiff with a copy of this Order by fax or email and U.S. mail within five days of the date of this Order. Johnson must file proof of service with the Court by May 2, 2016. Plaintiff shall respond by May 12, 2016, explaining why this case should not be dismissed with prejudice. If Johnson seeks to withdraw

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<sup>1</sup> No motion to withdraw as counsel or substitution of counsel has been filed with the Court and Johnson remains counsel of record.

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from plaintiff's representation, he shall file and serve (in the manner discussed earlier in this paragraph) a motion to withdraw within five days of the date of this order. It must appear from a declaration accompanying the motion that plaintiff has actual notice of the motion. Plaintiff shall respond to the motion to withdraw by May 12, 2016.

A hearing is set in this matter for May 17, 2016 at 2:00 pm in Courtroom 2, 17th Floor, at which time the order to show cause and any motion to withdraw will be argued and decided.

**IT IS SO ORDERED.**

Dated: April 22, 2016

  
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WILLIAM H. ORRICK  
United States District Judge