

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

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4 JUAN PABLO LOPEZ,
5 Plaintiff,

6 v.

7 COUNTY OF LOS ANGELES, et al.,
8 Defendants.

Case No. 15-cv-03804-TEH

**ORDER TO SHOW CAUSE FOR
PLAINTIFF'S FAILURE TO
RESPOND TO MOTIONS AND
FAILURE TO APPEAR**

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10 Plaintiff in the above-entitled matter filed a complaint on August 19, 2015 against
11 several defendants, including: the County of Los Angeles ("Los Angeles"); the County of
12 San Mateo and three individuals employed by the County of San Mateo ("San Mateo");
13 and the California Department of Motor Vehicles ("California DMV"); among others.
14 (Docket No. 1).¹ On September 16, 2015, Defendant San Mateo filed a 12(b)(6) motion,
15 and Defendant California DMV filed a 12(b)(1) and/or 12(b)(6) motion. (Docket No. 11,
16 12). Plaintiff's oppositions to these motions were due on September 30, 2015. Defendant
17 Los Angeles filed a 12(b)(6) motion on September 18, 2015, to which opposition was due
18 on October 2, 2015. (Docket No. 16).

19 On October 1, 2015, after the deadline for the oppositions to the first two
20 Defendants' motions had passed, the Courtroom Deputy called Plaintiff's counsel at the
21 phone number provided in his filings, but was unable to reach him and could not leave a
22 voicemail because the voice mailbox was full. The Courtroom Deputy also emailed
23 Plaintiff's counsel on the morning of October 26, 2015 – the date of the hearing on all
24 three motions – and received no response.

25 At the October 26, 2015 motion hearing, counsel for Defendant California DMV
26 stated that he has had no contact with Plaintiff's counsel. Defendant Los Angeles also has

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28 ¹ Plaintiff erroneously filed the complaint in the Court's Electronic case filing system, after
which he filed a duplicate complaint at Docket No. 5 on August 25, 2015.


1 had no contact with Plaintiff's counsel, but has made several unsuccessful attempts to
2 reach him telephonically and, similar to the Courtroom Deputy, was unable to leave any
3 voicemails. Counsel for Defendant San Mateo stated that she had most recently spoken to
4 Plaintiff's counsel over the phone on October 20, 2015, and that during the conversation
5 Plaintiff's counsel acknowledged that he had papers due that were late and also
6 acknowledged that he knew of the upcoming motion hearing.

7 Plaintiff's counsel failed to timely file oppositions to all three motions to dismiss, in
8 violation of Northern District of California Civil Local Rule 7-3. Furthermore, Plaintiff's
9 counsel failed to appear at the motion hearing on October 26, 2015, and as of the date of
10 this order has made no discernible attempt to contact the Court to provide an explanation.

11 Accordingly, the Court hereby issues an ORDER TO SHOW CAUSE as to why this
12 case should not be dismissed for failure to prosecute. Plaintiff's counsel shall file a written
13 response to this order no later than **November 4, 2015**, and shall appear for a hearing on
14 **November 9, 2015, at 10:00 AM** in Courtroom 2, on the 17th Floor of the Phillip Burton
15 Federal Building. Defendants do not need to attend the hearing or respond.

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17 **IT IS SO ORDERED.**

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19 Dated: 10/28/15



THELTON E. HENDERSON
United States District Judge

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