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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIFFANY PON,
Plaintiff,

No. C 09-0420 PJH

v.

ORDER TO SHOW CAUSE

PIER 1 IMPORTS,
Defendant.

_____ /

On June 12, 2009, the court issued a conditional grant of the motion to withdraw as counsel filed by plaintiff's counsel, M. Van Smith. The court specifically stated that, while it found good cause for counsel's withdrawal, the request could not be granted in full until plaintiff had indicated her election to either (1) proceed in pro per or (2) substitute new counsel. The court then noted that the motion to withdraw was deemed submitted, pending the court's receipt of plaintiff's election of one of the foregoing.

It is now more than four months later, and plaintiff has yet to file either a substitution of counsel, or a statement of her intention to proceed in pro per. Furthermore, plaintiff failed to appear at the September 3, 2009 case management conference held in the action. In view of these failures, as well as the court's recent entry of a pretrial order in the case, plaintiff is hereby ORDERED to SHOW CAUSE why she should not be sanctioned for failure to comply with the court's prior order indicating plaintiff's need to address her representative status with the court, and for failing to prosecute this matter.

The show cause hearing will be held on **December 2, 2009**, at 9:00 a.m., in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California, 94612. Plaintiff is further ORDERED to file and serve any response to the show cause order no

United States District Court
For the Northern District of California

1 later than November 10, 2009. A further failure to respond and to appear may result in
2 dismissal of this action.

3 As M. Van Smith is still counsel of record and as of August 25, 2009, signed the joint
4 case management statement on plaintiff's behalf, and given the court still has no address
5 for plaintiff, M. Van Smith is also ORDERED to serve a copy of the order immediately on
6 plaintiff, or risk imposition of sanctions.

7 **IT IS SO ORDERED.**

8 Dated: October 27, 2009



9 PHYLLIS J. HAMILTON
10 United States District Judge

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