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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NETLIST, INC.,

Plaintiff,

vs.

SMART STORAGE SYSTEMS, INC., SANDISK CORPORATION, AND DIABLO TECHNOLOGIES, INC.,

Defendants.

Case No.:13-cv-5889-YGR

ORDER REQUIRING COUNSEL OF RECORD TO SUBMIT FURTHER INFORMATION RE: WITHDRAWAL OF COUNSEL FOR DEFENDANT DIABLO TECHNOLOGIES, INC.

The Court has received the motion of McDermott Will & Emery LLP (“Counsel”) to withdraw from representation of defendant Diablo Technologies Inc. (“the Client”) in the above-captioned action, along with the accompanying declaration. (Dkt. No. 357.) The hearing on such motion is currently set for September 25, 2018. The Court **ORDERS** Counsel to submit further information in support of the motion in advance of the hearing, as follows:

By no later than **September 7, 2018**, Counsel shall file a supplemental declaration indicating that Counsel has: (1) spoken directly with a representative of the Client, telephonically or in person, about the case generally and the status of the proceedings, including the date of such communication or, if Client is not responsive, how Counsel has transmitted such information to the Client; (2) informed the Client of the consequences of Counsel’s withdrawal in this matter, including that a corporation is not permitted to appear in the litigation without counsel and that withdrawal may result in the Court striking the Client’s answer; and (3) served a copy of the notice of motion and motion to withdraw on the Client. The declaration shall include the Client’s last known address and phone number to which the Court and other parties to the litigation may send

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notices. Further, Counsel is directed to provide the Court with any information it may have as to the Client’s intention to substitute in new counsel in this litigation.

By no later than **September 7, 2018**, Counsel shall also file proof of service of a notice to the Client as follows:

**NOTICE TO CLIENT CORPORATION
WHICH WILL BE UNREPRESENTED**

As a corporation, you will not be able to represent yourself in Court. You should immediately seek advice regarding legal representation. Failure to retain an attorney may lead to an order striking the pleadings that have been filed on your behalf or to the entry of a default judgment against you.

If you do not keep the Court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that **may adversely affect your interests or result in your losing your case.**

Should Counsel fail to comply with the above requirements, the Court may deny the motion to withdraw.

IT IS SO ORDERED.

Dated: August 28, 2018



**YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE**