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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICTOR CORREIA,
Plaintiff,

v.

THE NATIONAL RAILROAD
PASSENGER CORPORATION, et al.,
Defendants.

Case No. [14-cv-04504-DMR](#)

**ORDER GRANTING MOTION TO
WITHDRAW; ORDER TO SHOW
CAUSE**

In May 2015, Kabateck Brown Kellner LLP (“KBK”) and Wilshire Law Firm PLC (“WLF”) moved to withdraw as counsel for Plaintiff Victor Correia due to communication issues, including their inability to contact Plaintiff. [Docket No. 41.] Defendants The National Railroad Passenger Corporation dba Amtrak (“Amtrak”) and Delta Scrap & Salvage, Inc. (“Delta”) did not oppose the motion. [Docket Nos. 43, 44.] Following a hearing on July 23, 2015, at which Plaintiff was ordered to appear but did not attend, the court granted the motion on the condition that counsel continue to accept service of papers on Plaintiff’s behalf for forwarding purposes. [Docket No. 50.] In its order conditionally granting the motion to withdraw, the court noted counsel’s efforts to locate Plaintiff, including working with an investigator. The court ordered KBK and WLF to file a final declaration by August 7, 2015 detailing the investigator’s efforts to locate Plaintiff. The court also ordered counsel to include any addresses reasonably associated with Plaintiff.

Counsel timely filed declarations by an attorney and an investigator describing their efforts to locate Plaintiff. [Docket No. 51.] The investigator’s firm called 77 phone numbers possibly related to Plaintiff, investigated at least nine addresses, and attempted to contact Plaintiff through family members, friends, and acquaintances, but was unsuccessful in locating Plaintiff. (Alanis Decl., Aug. 7, 2015, ¶¶ 3-6.) In his declaration, attorney Hrag Kouyoumjian sets forth three last

United States District Court
Northern District of California

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known addresses for Plaintiff. (Kouyoumjian Decl., Aug. 7, 2015, ¶ 3.) Having reviewed the declarations, the court concludes that full, unconditional withdrawal is appropriate. The court orders counsel to serve this order on Plaintiff at the three addresses provided in Kouyoumjian’s declaration as their final act prior to withdrawal, and to promptly file a proof of service.

In their statements of non-opposition to the motion to withdraw, Defendants Amtrak and Delta each described their difficulties in obtaining initial discovery due to Plaintiff’s absence. The parties have also been unable to participate in ADR without Plaintiff. Therefore, Plaintiff is hereby ordered to show cause why this case should not be dismissed for failure to prosecute by appearing at a hearing before this court on **October 8, 2015 at 11:00 a.m.** If Plaintiff fails to appear at that time, either through new counsel or by representing himself, the court will conclude that Plaintiff no longer wishes to pursue this case, and will dismiss the case for failure to prosecute.

IT IS SO ORDERED.

Dated: August 31, 2015

