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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA

6 **DONALD NORMAN,**

7 Plaintiff,

8 v.

9 **INTERSANGO, LLC, ET AL.,**

10 Defendants.  
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Case No. 16-cv-03587-YGR

**ORDER TO SHOW CAUSE RE: FAILURE TO PROSECUTE**

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13 Plaintiff Donald Norman brings this derivative shareholder action against defendants.  
14 (Dkt. No. 35, the “FAC”.) On October 25, 2016, defendants Intersango, LLC and Patrick  
15 Strateman each filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).  
16 (Dkt. Nos. 36, 37.) Plaintiff’s response was due on November 8, 2016, and any replies would  
17 have been due on November 15, 2016. Plaintiff has yet to file a response. As a result, the Court is  
18 considering dismissing plaintiff’s lawsuit for “failure to prosecute,” that is, a failure to meet  
19 deadlines to keep the lawsuit moving forward.

20 Plaintiff is hereby **ORDERED TO SHOW CAUSE** why the Court should not dismiss the case  
21 for failure to prosecute. The Court **SETS** a hearing on this Order for **Friday, December 2, 2016** at  
22 **2:00 p.m.**, in the Federal Building, 1301 Clay Street, Oakland, California, Courtroom 1. Not later  
23 than Friday, November 25, 2016, plaintiff must file either: (i) responses to the motions to  
24 dismiss; or (ii) a written response to this Order to Show Cause, indicating why the case should not  
25 be dismissed for failure to prosecute. Failure to comply will be deemed an admission that  
26 plaintiff does not intend to prosecute, and his case will be dismissed without prejudice. If  
27 compliance is complete, the Court may vacate the hearing on this Order and the plaintiff need not  
28 appear. If plaintiff files responses to the motions to dismiss by November 25, 2016, defendants’


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replies will be due seven (7) days thereafter.

The Court also **VACATES** the hearing on defendants' motions to dismiss currently set for **November 29, 2016**, to be reset if briefing on such motions is complete.

**IT IS SO ORDERED.**

Dated: November 21, 2016

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE