

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STEVE FERRARI, ET AL.,
Plaintiffs,
vs.
MERCEDES BENZ USA, LLC, ET AL.,
Defendants.

CASE NO. 17-cv-00018-YGR

**ORDER TO SHOW CAUSE WHY FOURTH
AMENDED COMPLAINT SHOULD NOT BE
STRICKEN AS FILED WITHOUT LEAVE OF
COURT OR WRITTEN CONSENT**

TO THE PLAINTIFFS STEVE FERRARI, ET AL. AND THEIR COUNSEL OF RECORD:


You are **HEREBY ORDERED TO SHOW CAUSE** why the Fourth Amended Complaint, filed May 22, 2018 (Dkt. No. 139) without leave of Court, should not be stricken.

A hearing on this Order to Show Cause will be held on **Friday, June 8, 2018**, on the Court's 9:01 a.m. Calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 1. By no later than **Friday, June 1, 2018**, plaintiff must file a written response to this Order to Show Cause or, in the alternative, a motion for leave or a written stipulation to the file the Fourth Amended Complaint. Plaintiffs' representation in the body of the Fourth Amended Complaint itself, that "all defendants provided written consent" is not sufficient to satisfy Rule 15(a)(2) of the Federal Rules of Civil Procedure.

If the Court is satisfied with plaintiff's response, the hearing may be taken off calendar and the parties need not appear. Otherwise, lead trial counsel must personally appear at the hearing. Neither a special appearance nor a telephonic appearance will be permitted. Failure to file a joint statement, written response, or to appear personally will be deemed an admission that no good cause exists and that striking is appropriate.

IT IS SO ORDERED.

Dated: May 25, 2018


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE