

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 LINDSAY GROTEWIEL,
5 Individually and on Behalf of
6 All Others Similarly Situated,

7 Plaintiff,

8 v.

9 AVINGER, INC., JEFFREY M.
10 SOINSKI, MATTHEW B. FERGUSON,
11 DONALD A. LUCAS, JOHN B.
12 SIMPSON, JAMES B. MCELWEE,
13 JAMES G. CULLEN, THOMAS J.
14 FOGARTY, CANACCORD GENUITY,
15 INC., COWEN AND COMPANY LLC,
16 OPPENHEIMER & CO., BTIG,
17 STEPHENS INC., AND DOES 1
18 through 25, inclusive,

19 Defendants.

Case No. 17-cv-03400-CW

ORDER TO SHOW CAUSE

20 On May 22, 2017, Plaintiff Lindsay Grotewiel filed a class
21 action complaint in San Mateo County Superior Court against
22 Avinger, Inc. and several of its individual officers and
23 directors, alleging violations of the Securities Act of 1933.
24 Defendants removed the action to this Court on June 12, 2017. On
25 June 19, 2017, this Court granted the parties' joint motion to
26 relate this case to Olberding v. Avinger, No. 17-cv-03398, and
27 Gonzalez v. Avinger, No. 17-cv-03401.

28 The plaintiffs in Olberding and Gonzalez filed motions to
remand, but Plaintiff did not do so. On June 28, 2017, the Court
set a coordinated briefing schedule for the related cases. The
Court ordered that Plaintiff could join in the motions to remand
filed in Olberding and/or Gonzalez and also file a separate, non-

1 repetitive motion no later than July 3, 2017. The Court also
2 provided that Plaintiff could seek additional time. Plaintiff
3 has not responded to this order, moved to remand, or filed
4 anything in response to the motions to remand filed in Olberding
5 and Gonzalez. Today, the Court filed an order granting the
6 motions to remand in Olberding and Gonzalez.

7 This Court has the duty to consider its own jurisdiction sua
8 sponte. Accordingly, within fourteen days after the date of this
9 order, all parties in this action are hereby ordered to show
10 cause why the Court should not remand this action for the reasons
11 set forth in the order filed today granting the motions to remand
12 in the related Olberding and Gonzalez cases. If Defendants file
13 a response to this order, Plaintiff may file a reply to that
14 response within seven days after Defendants' filing. Instead of
15 filing a separate response to this order to show cause, any party
16 may file a notice incorporating by reference the arguments raised
17 in one or more briefs filed in the related cases. Absent further
18 Court order, the Court shall rule based on the parties' papers,
19 without a hearing.

20 IT IS SO ORDERED.

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22 Dated: July 21, 2017

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CLAUDIA WILKEN
United States District Judge