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* E-filed 10/24/07 *

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUPONS, INC.,

Plaintiff,

v.

JOHN STOTTLEMIRE,

Defendant.

Case No. CV 07-03457 HRL

**ORDER ON MOTIONS HEARING AND
CASE MANAGEMENT DATES**

On the Court's own motion, the following schedule shall now apply to this case:

- HEARING on Defendant's Motion for Sanctions (10:00 a.m., Courtroom 2) Dec. 4, 2007
- HEARING on Defendant's Motion to Dismiss (10:00 a.m., Courtroom 2) Dec. 4, 2007
- Deadline for filing reply on Defendant's Motions Nov. 20, 2007
- Deadline for filing opposition to Defendant's Motions Nov. 13, 2007

The Case Management Conference currently set for November 6, 2007 is VACATED.

The scheduling of that conference (and the associated disclosure deadlines) will be determined at the December 4 hearing.

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Furthermore, there appears to be a dispute as to which law firm is currently Plaintiff's counsel of record. Plaintiff filed a Notice of Substitution of Counsel, which intended to substitute the law firm of Farella Braun & Martel LLP ("Farella Braun") in for the law firm of Wilson Sonsini Goodrich & Rosati ("Wilson Sonsini").

Although such a substitution would normally be a ministerial matter, Defendant has objected to the purported substitution citing Civil Local Rules 7-1 and 11-5¹ and General Order 45, IV (C). Particularly applicable to this situation is General Order 45 which requires an order of the court when one firm replaces another as counsel for a party. Defendant has made this argument on the basis that there is a pending motion for sanctions against the law firm of Wilson Sonsini, and he would like an opportunity to object to their withdrawal.

Accordingly, the motion seeking a continuance of hearing dates filed on behalf of Plaintiff by Farella Braun is DENIED AS MOOT. The court will address the issue of the alleged ineffectual substitution of counsel (and its possible bearing on the sanctions motion) at the hearing on Defendant's Motion for Sanctions, now scheduled for December 4, 2007. Representatives from both Wilson Sonsini and Farella Braun shall be present.

IT IS SO ORDERED.

Dated: 10/24/07



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

¹ "Counsel may not withdraw from an action until relieved by order of the Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case." Civil L-R 11-5

