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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Vista Funding Inc.,

NO. C 08-04919 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE:
DISMISSAL OR IDENTIFICATION OF
COUNSEL; VACATING HEARING ON
MOTIONS**

v.

Jeffrey A. Dunham, et al.,

Defendants.

The Plaintiff in this action is Vista Funding Inc. (“Vista”), a corporation. (See Notice of Removal, Ex. A at 2, hereafter, “Complaint,” Docket Item No. 1.) Vista is represented by its owner, Tara D. Bonelli, who is not a member of the bar of any state.¹ (Complaint at 2.)

Under Civ. L.R. 3-9(b), “[a] corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court.”

Accordingly, the Court ORDERS Plaintiff to appear on **February 23, 2009 at 9 a.m.** for identification of counsel or to show cause why this action should not be dismissed for failure to obtain representation pursuant to Civ. L.R. 3-9(b).

On or before **February 13, 2009**, Plaintiff shall file and serve a response to this Order and provide the Court with an explanation as to its failure to obtain representation as required by the Court’s Local Rules. Plaintiff shall also file and serve Notice of Substitute Counsel and identify a qualified counsel under the Civil Local Rules to represent it in this litigation. Failure to comply with

¹ Ms. Bonelli explicitly states that she is a “non-attorney.” (Complaint at 2.)

1 any part of this Order may result in dismissal pursuant to Fed. R. Civ. P. 41(b), which is a dismissal
2 on the merits, or other forms of sanctions.

3 In light of this Order, the Court VACATES Defendants' various motions to dismiss and to
4 strike currently scheduled for February 9, 2009. (See Docket Item Nos. 5, 9, 15, 16, 19, 20, 22.)
5 The Court will set a new hearing date, if necessary, following the hearing on the Order to Show
6 Cause.



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8 Dated: January 28, 2009

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JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Caleb Sequoia Baskin csbaskin@baskingrant.com
3 Jason Michael Heath Jason.Heath@co.santa-cruz.ca.us
4 Jonathan Unruh Lee jonathan.lee@usdoj.gov
5 Kathryn Anne Martin kam@hassard.com

6 Vista Funding Inc.
7 631 Quail Run Rd
8 Aptos, Ca 95003

9 **Dated: January 28, 2009**

Richard W. Wieking, Clerk

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11 **By: /s/ JW Chambers**
12 **Elizabeth Garcia**
13 **Courtroom Deputy**

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