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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DOLORES BANUELOS,  
Plaintiff,  
v.  
J. C. PENNEY CORPORATION, INC.,  
Defendant.

Case No.: C 09-0255 PVT  
**ORDER EXTENDING TIME FOR PLAINTIFF  
TO RESPOND TO DEFENDANT’S MOTION  
FOR SUMMARY JUDGMENT; AND  
ORDER PLAINTIFF’S COUNSEL’S  
PURPORTED “SUBSTITUTION OF  
ATTORNEY” IS DEEMED INOPPERATIVE  
ABSENT LEAVE OF COURT TO WITHDRAW**

On May 20, 2010, Plaintiff filed a request for additional time to respond to Defendant’s motion for Summary Judgment. In her request, Plaintiff states that her attorney “made me sign the papers so that he would not be my attorney.” On February 5, 2010, Plaintiff’s counsel had filed a purported “Substitution of Attorney,” which bears Plaintiff’s signature over the statement, in English, that “I consent to this substitution.”<sup>1</sup> He failed, however, to file any motion to withdraw as counsel, and no order has issued allowing him to withdraw as counsel. See, CIVIL L.R. 11-5(a) (“Counsel may not withdraw from an action until relieved by order of Court..”). From Plaintiff’s May 20<sup>th</sup> request, it appears that she did not truly consent to the “Substitution of Attorney.” Based on the file herein,

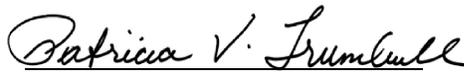
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<sup>1</sup> The court was previously informed in a report from its ADR department that Plaintiff does not speak English.

1 IT IS HEREBY ORDERED that the deadline for Plaintiff to respond to Defendant's motion  
2 for summary judgment is extended to July 13, 2010. Defendant's deadline for filing a reply is  
3 extended to July 20, 2010. The hearing on the motion is CONTINUED to 10:00 a.m. on July 27,  
4 2010.

5 IT IS FURTHER ORDERED that Plaintiff's counsel's purported "Substitution of Attorney"  
6 is deemed inoperative until such time as Plaintiff's counsel obtains leave of court to withdraw as  
7 counsel of record. If Plaintiff's counsel wishes to file a motion to withdraw as counsel, he shall file  
8 the motion no later than June 1, 2010, for hearing at 10:00 a.m. on June 15, 2010 in Courtroom 5 of  
9 this court. Plaintiff's counsel serve a copy of the motion papers on Plaintiff, along with a Spanish  
10 language translation, by Express Mail. Plaintiff may either file a written opposition to her attorney's  
11 motion to withdraw by June 11, 2010, or may appear at the hearing on June 15, 2010 (along with  
12 someone who can interpret for her).

13 Dated: 5/21/10

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15 PATRICIA V. TRUMBULL  
16 United States Magistrate Judge  
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*Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

copies mailed on 5/21/10 to:

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/s/ Donna Kirchner for  
MARTHA BROWN  
Courtroom Deputy