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**\*E-FILED: January 15, 2013\***

NOT FOR CITATION  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

JUAN TORRES CABRERA,

No. C12-04294 HRL

Plaintiff,

**SECOND ORDER TO SHOW CAUSE  
WHY DEFENDANT'S ANSWER  
SHOULD NOT BE STRICKEN**

v.

CHRISTOPHER HANBUM OH,

Defendant.

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Plaintiff sues under federal and state law for wages that allegedly were earned, but remain unpaid. The complaint was filed on August 15, 2012. Defendant Oh subsequently appeared through attorney Milton Katz, who filed an answer on Oh's behalf. (See Dkt. No. 10).

Shortly after, Katz moved to withdraw as counsel of record, asserting that Oh failed to pay his fees and refused to provide records Katz deemed necessary for the defense of this action. Katz stated that he sent Oh a copy of that motion. The court received no opposition to it. And, Katz's motion to withdraw was granted, subject to the condition that papers could continue to be served on him for forwarding purposes, unless and until Oh appeared through other counsel or pro se. (See Dkt. No. 15, December 4, 2012 Order). In that same order, this court re-set the initial case management conference for December 18, 2012. Oh was ordered to appear at the conference in person, unless he retained other counsel by that time.

1 The court's December 4, 2012 order was electronically served on Katz for forwarding  
2 purposes through the court's ECF system. Additionally, the court mailed a copy of the order to  
3 Oh at the address listed for defendant in Katz's motion papers.

4 Plaintiff appeared at the December 18, 2012 initial case management conference. Oh  
5 did not. Nor did any attorney appear on his behalf.

6 The court then issued an order directing Oh to appear on January 15, 2013 and show  
7 cause why his answer should not be stricken. That order was electronically served on Katz for  
8 forwarding purposes, and the court also mailed a copy of the order to Oh.

9 On December 26 and 28, 2012, the orders previously mailed to defendant were returned  
10 to the court as undeliverable and with no forwarding address. According to plaintiff, mail sent  
11 to Oh has also been returned to plaintiff's counsel's office as undeliverable, and the phone  
12 number plaintiff had for Oh is no longer in service. This court is told that plaintiff asked Katz  
13 for other contact information for Oh and that Katz said he has no such information. An attorney  
14 or party proceeding pro se has an obligation to provide the court with current contact  
15 information. Civ. L.R. 3-11(a). The court may, without prejudice, strike an answer when mail  
16 directed to an attorney or pro se party is returned to the court as undeliverable and the court fails  
17 to receive within 60 days of the return a written communication from the attorney or pro se  
18 party indicating a current address. Civ. L.R. 3-11(b).

19 Based on the foregoing, this court will set a second show cause hearing. Defendant  
20 Christopher Hanbum Oh shall appear in person before this court on **March 19, 2013, 10:00**  
21 **a.m.**, Courtroom 2, Fifth Floor of the United States District Court, 280 South First Street, San  
22 Jose, California and show cause why his answer should not be stricken. Oh is advised that if his  
23 answer is stricken, plaintiff has stated an intent to seek entry of default and default judgment  
24 against him.

25 SO ORDERED.

26 Dated: January 15, 2013

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28 \_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
For the Northern District of California

1 5:12-cv-04294-HRL Notice has been electronically mailed to:

2 Milton Katz , Esq miltonkatz@yahoo.com

3 Tomas Eduardo Margain margainlaw@hotmail.com, brisa.velazquez.dbmlaw@gmail.com,  
4 crronan@gmail.com, huytran.dbmlaw@gmail.com, tm@wagedefenders.com

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