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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL AMALFITANO, et al.,
Plaintiffs,
v.
GOOGLE INC.,
Defendant.

Case No. [14-cv-00673-BLF](#)

ORDER TO SHOW CAUSE

TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

This putative class action against defendant Google Inc. was filed on January 8, 2013 in the United States District Court for the Eastern District of New York. On February 18, 2014, the case was transferred to this judicial district. Since the transfer, Plaintiffs' attorney of record has not sought admission *pro hac vice* in this district, nor have Plaintiffs responded to any of Defendant's filings in this case.

On July 28, 2014, this Court dismissed plaintiff Albert Rudgayzer's claims pursuant to a Report and Recommendation by Magistrate Judge Paul Singh Grewal recommending dismissal under Federal Rule of Civil Procedure 25. ECF 57, 63. Plaintiffs did not submit any objection to the Report and Recommendation. Nor have Plaintiffs responded to Defendant's recent Motions to Dismiss filed September 19, 2014. *See* ECF 65, 67. Defendants represent that they have communicated with Plaintiffs' attorney of record, Todd C. Bank, who has indicated that he cannot participate substantively in this case because he is not admitted to practice before this Court. *See* Decl. of Susan Fahringer re Rule 16 Mot. Exh. 1, ECF 68. Plaintiffs' counsel, however, remains attorney of record in this case and has not sought to withdraw from his representation of Plaintiffs. Moreover, because Plaintiffs' counsel filed the complaint in this action, *see* ECF 1, the Court does

1 not have contact information for the Plaintiffs and is without any means of contacting them
2 directly.


3 The Court therefore issues this Order to Show Cause with the following instructions to
4 Plaintiffs and their attorney of record:

- 5 1. **Within seven (7) days** of the date of this order, Plaintiffs' counsel shall forward a copy of
6 this order to plaintiffs Michael Amalfitano and Lillian Ganci.
- 7 2. **On or before November 12, 2014**, Plaintiffs' counsel, Todd C. Bank, is ordered to submit
8 a letter explaining to this Court why he has not sought admission *pro hac vice* in this Court
9 or to engage local counsel, or why he has not sought to withdraw from representation.
- 10 3. **On or before November 12, 2014**, Plaintiffs Michael Amalfitano and Lillian Ganci may,
11 on their own behalf, submit a letter explaining why they have not responded to filings in
12 this action or sought to retain local counsel.

13 Plaintiffs are notified that failure to comply with this order by filing or causing to be filed
14 the documents identified above, or failure to otherwise show good cause in writing for such a
15 failure by either deadline, may result in an order dismissing this action for failure to prosecute. No
16 hearing will be held on the Order to Show Cause unless otherwise ordered by the court.

17 **IT IS SO ORDERED.**

18 Dated: October 21, 2014

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20 BETH LABSON FREEMAN
21 United States District Judge
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