

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**DEREK L. MOBLEY**, *for and on behalf of himself and other persons similarly situated,*

Plaintiffs,

v.

**WORKDAY, INC.**,

Defendant.

Case No. 4:23-cv-00770-YGR

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

Re: Dkt. No. 19

The Court is in receipt of plaintiff Derek L. Mobley (“Mobley”)’s request for an extension of his deadline to file a response to defendant Workday, Inc.’s motion to dismiss. (Dkt. No. 19.) On page four of that request, plaintiff’s counsel, Roderick T. Cooks, represents that his *pro hac vice* application to practice in this District is “pending.”<sup>1</sup> (*Id.*)

The Court notes that Mr. Cooks has not filed a *pro hac vice* application in this action. Further, in contravention of Local Rule 3-4(a), Mr. Cooks fails to include his state bar number on the first page of his filing.<sup>2</sup>

Because Mr. Cooks has not demonstrated he is licensed to practice in this District and in the interests of judicial efficiency, the Court **ORDERS** plaintiff to show cause why this action should not be dismissed for failure to prosecute. Plaintiff shall e-file a response to this order by no later than **Monday, July 31, 2023**.

Briefing is hereby **SUSPENDED** pending plaintiff’s response to this order.

**IT IS SO ORDERED.**

<sup>1</sup> Attorney Lee D. Winston is also listed on the motion, but he is not a signatory to it. Mr. Winston has also not entered an appearance in this case.

<sup>2</sup> The Court further notes that plaintiff miscaptioned his motion. This Court sits in Oakland, California, not San Jose.

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: July 25, 2023

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

United States District Court  
Northern District of California