

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 09-1397 ODW(RZx) Date February 23, 2010

Title Hanan S. Botros v. JP Morgan Chase Bank, National Association, et al.

Present: The Honorable Otis D. Wright II, United States District Judge

Raymond Neal

Not Present

n/a

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings (IN CHAMBERS): **Order to Show Cause re Dismissal for Failure to Comply With the Court's Scheduling and Case Management Order; Order Continuing Pretrial Conference**

On July 22, 2009 the Court issued its Scheduling and Case Management Order [15], which set forth a schedule of pretrial hearing dates and deadlines, in particular the date by which pretrial documents must be lodged/filed. [These dates were most recently modified in the orders at docket entry [23] and [24].

The Court's Scheduling and Case Management Order includes the following caveat: **"If counsel fail to file the required Pre-Trial documents or fail to appear at the Pre-Trial Conference and such failure is not otherwise satisfactorily explained to the Court: (a) the cause shall stand dismissed for failure to prosecute if such failure occurs on the part of the plaintiff; (b) default judgment shall be entered if such failure occurs on the part of the defendant; or (c) the Court may take such action as it deems appropriate."**

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The parties in this case have failed to comply with the Scheduling and Case Management Order. To date, no pretrial documents have been lodged/filed with the Court.

Accordingly, the Court orders the parties to show cause in writing on or before **Monday, March 1, 2010** why this action should not be dismissed for failure to comply with the Scheduling and Case Management Order. Instead of a written response, the Court will consider the following an appropriate response to its Order to Show Cause: filing/lodging of pretrial documents as set forth in the Scheduling and Case Management Order on or before **Monday, March 1, 2010**. If the parties have settled this case, the Court will accept a Notice of Settlement **that includes a date by which the parties expect settlement to be finalized**.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or filing on or before the date upon which a response by the parties is due.

The Pretrial Conference presently scheduled for February 1, 2010 at 3:30 p.m., is hereby CONTINUED to **Monday, March 8, 2010 at 4:00 p.m.** Motions In Limine, Proposed Voir Dire Questions and an Agreed-to Statement of the Case remain due on **Monday, March 1, 2010**.

IT IS SO ORDERED.

Initials of Preparer _____ : _____ 00
RGN _____