

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 10-7442 DSF (OPx)

Date 7/22/11

Title JCM Farming, Inc., et al. v. United States Dept. of Agriculture, et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Vanessa Del Rio

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) ORDER TO SHOW CAUSE RE DISMISSAL FOR FAILURE TO PROSECUTE AND FAILURE TO COMPLY WITH COURT ORDERS

On April 4, 2011, this Court issued its Order Setting Scheduling Conference. Pursuant to the Order, and to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rules 16 and 26, the scheduling conference was set for August 1, 2011, at 11:00 a.m. and counsel were to confer no later than 21 days before the scheduling conference. Peter McBreen, counsel for certain defendants, has filed a declaration stating that he attempted on several occasions to arrange such a conference with plaintiff’s counsel. Plaintiff has the burden of prosecuting this action. Failure to do so may result in sanctions, including dismissal.

The date previously set for the scheduling conference is vacated. Plaintiff is ordered to show cause in writing no later than August 1, why this action should not be dismissed, and why sanctions should not be imposed pursuant to Local Rule 83-7, for Plaintiff’s failure to prosecute this action and failure to comply with the Court’s order and the Federal Rules of Civil Procedure. A hearing on this Order to Show Cause is set for **August 22, 2011, at 11:00 a.m.**

The filing of a Joint Rule 26(f) Report no later than August 1, 2011, and attendance of lead counsel at the Order to Show Cause hearing, shall be deemed a sufficient response to this Order to Show Cause. If counsel timely file a Joint 26(f) Report, a scheduling

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conference will be held in lieu of the hearing on the Order to Show Cause. Counsel are reminded that paper Chambers copies must be delivered pursuant to this Court's General Orders and the Local Rules. Counsel are further reminded to review carefully the General Orders and Local Rules for this district and all of this Court's standing orders.

If no response is filed, this action will be dismissed.

IT IS SO ORDERED.