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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ERIK R. CARBAJAL,  
Plaintiff,  
v.  
R RAYBORN and DOES 1 through 10  
inclusive,  
Defendants,

Case No. 2:11-cv-9134-ODW(DTBx)

**ORDER TO SHOW CAUSE RE  
SETTLEMENT CONFERENCE**

On December 21, 2012, the parties stipulated to continue the last settlement conference date. (ECF No. 37.) The Court found no good reason to extend this and denied the request.

On March 15, 2012, the Court ordered the parties to conduct their settlement conference by December 31, 2012; and the parties selected Settlement Procedure No. 1—a proceeding before the magistrate judge. (ECF No. 9; Rule 26(f) Report ¶ 5.) On October 30, 2012, the Court granted the parties' joint stipulation to continue pretrial and trial dates because Defendant's counsel represented that his wife is expected to give birth during that critical phase between pretrial and trial. (ECF Nos. 19, 20.) However, no other dates have been continued.

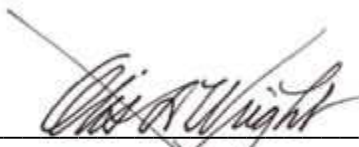
The parties contend that the settlement conference date should be moved until after the summary-judgment hearing because with this motion pending, settlement talks would be unproductive. This reasoning is unpersuasive. Instead, the Court finds that the parties blatantly disregarded the December 31, 2012 settlement-conference

1 deadline. Had the parties sought to follow the Court's order, they would have  
2 scheduled the settlement conference with the magistrate judge well in advance of their  
3 motion filing—since unlike outside ADR, magistrate judges usually have full,  
4 inflexible calendars.

5 Therefore, the parties are hereby **ORDERED TO SHOW CAUSE** why the  
6 attorneys in this case—Mervyn S. Lazarus and Andrew M. Gibson—should not be  
7 sanctioned \$1,000 for ignoring the Court's order. A written, joint response is due by  
8 January 14, 2013. No appearances are necessary. Failure to timely respond may  
9 result in additional sanctions, including dismissal or entry of default. This Order to  
10 Show Cause will be discharged upon receipt of a status report indicating that a  
11 settlement conference has been scheduled. The parties may use outside ADR instead  
12 of the magistrate judge if they choose. The Court will not rule on the pending  
13 Summary-Judgment motion until the settlement conference has been conducted.

14 **IT IS SO ORDERED.**

15 December 26, 2012

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18 **OTIS D. WRIGHT, II**  
19 **UNITED STATES DISTRICT JUDGE**  
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