

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | CV 12-5177 FMO (MRWx) | Date | January 28, 2013 |
| Title | Ho v. 24 Hour Fitness USA, Inc. | | |

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| Present: The Honorable | Michael R. Wilner |
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Veronica McKamie

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

n/a

n/a

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: SANCTIONS

The parties requested that the Court conduct a settlement conference in this civil action. In anticipation of the settlement conference, the Court spoke by telephone with the parties several times and issued a detailed order in August 2012 with its expectations regarding the parties' pre-conference preparation. That order specifically instructed the parties to "deliver (by hand or FedEx) to Judge Wilner's chambers a confidential settlement conference letter" summarizing the status of the lawsuit and the history of the parties' settlement discussions. (Docket # 12.) The parties were to submit their settlement letters one week before the scheduled conference.

The Court received a written submission from Defendant on January 23, 2013. However, to date (11:30 a.m. on January 28), the Court has not received anything from Plaintiff. Plaintiff's failure to provide the required letter has significantly interfered with the Court's preparation for the settlement conference. Moreover, based solely on the contents of Defendant's submission, the Court has grave doubts about the legitimacy and good faith of Plaintiff's previous settlement discussions with Defendant.

Therefore, it is ORDERED that counsel for Plaintiff (Attorneys Potter and Ballister) must show cause why they should not personally be found in contempt of the Court's settlement conference order. The Court will conduct a hearing on the OSC at the beginning of the settlement conference on January 31 in the presence of the parties' clients. Among the sanctions that the Court will consider are personal financial penalties against counsel and whether to recommend dismissal of the action.