

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 13-11 DSF (AGR_x)

Date 4/25/13

Title Noemi Garibaldi, et al. v. Compass Group USA, Inc., et al.

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

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 Why This Action Should Not be Dismissed, or in the Alternative, Why Counsel Should Not be Ordered to Pay Sanctions and Attorneys' Fees

On April 4, 2013, this Court issued its Order to Show Cause Why the Court Should Not Strike the Class Allegations; Order to Show Cause Why the Action Should Not be Dismissed and Why Counsel Should Not be Sanctioned for Failure to Follow This Court's Orders; Order to Show Cause Why Matthew J. Matern Would be Adequate Class Counsel; Order Vacating Scheduling Conference Date.

A hearing on these Orders to Show Cause was set for April 22, 2013 at 11:00 a.m.

Although counsel attempted to file a portion of his response under seal, he failed to follow this Court's General Orders and Local Rules. An Amended Joint Report and the Declaration of Matthew J. Matern were filed on August 15. The Declaration addressed some of the Court's concerns, but failed to convince the Court that counsel was likely to be named class counsel in this action. The Court intended to inquire further and withhold a decision on the issue until a later date. However, Plaintiff's counsel failed to appear at the Order to Show Cause hearing, failed to advise the Court either before or after the hearing of the reasons for the failure to appear, and has not contacted the Court to explain his absence even after presumably receiving the minutes of that hearing.

In light of this continued inappropriate conduct, the Court is concerned that the putative class is not being well-served. The Court orders Plaintiff's counsel to show

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cause in writing no later than May 6, 2013 why (1) this action should not be dismissed in its entirety for repeated failure to comply with this Court's rules and failure to prosecute, (2) why the class allegations should not be dismissed for failure to have adequate class counsel, and (3) alternatively, why counsel should not be ordered to pay sanctions in the amount of \$750 for failure to comply with this Court's orders and failure to attend the April 22 hearing and to pay defense counsel's reasonable attorneys' fees for their attendance at the hearing.

A hearing on the Order to Show cause will be held on June 3, 2013 at 11:00 a.m. Failure to respond in writing and appear at the hearing will result in dismissal of this action, sanctions and an award of attorneys' fees and costs.

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.

IT IS SO ORDERED.