

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 16-1030 FMO (JCx) **Date** October 14, 2016

Title Politis Family LLC v. The Pep Boys Manny Moe & Jack of California, et al.

Present: The Honorable Fernando M. Olguin, United States District Judge

Vanessa Figueroa

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Re: Sanctions and Dismissal

On September 16, 2016, defendant The Pep Boys Manny Moe and Jack of California (“Pep Boys”) filed a Motion to Strike (Dkt. 38) and a Motion to Dismiss (Dkt. 39) (collectively, the “Motions”) directed toward plaintiff Politis Family LLC’s (“plaintiff”) First Amended Complaint (Dkt. 35). Plaintiff failed to timely file Oppositions to the Motions by the September 29, 2016, deadline. (See Dkt. 45, Court’s Order of October 7, 2016, at 1). On October 5, 2016, six days after plaintiff’s Opposition deadline had expired, the parties filed a Stipulation to File Second Amended Complaint (Dkt. 41, “Stipulation”), in which plaintiff agreed to amend his complaint to address the issues raised in Pep Boys’ Motions. In response to the Stipulation, the court denied the Motions as moot and ordered that plaintiff file its proposed Second Amended Complaint no later than October 11, 2016. (See Dkt. 45, Court’s Order of October 7, 2016, at 1-2).

As of the filing date of this order, plaintiff has not filed his Second Amended Complaint. (See Dkt. 46, Notice of Non-Receipt of Second Amended Complaint; see, generally, Dkt.). The court notes that this is the third time plaintiff has failed to comply with a deadline of this court. (See Dkt. 33, Court’s Order of August 5, 2016, at 1) (granting Motion for Judgment on the Pleadings in part because plaintiff failed to file an Opposition by the July 28, 2016, deadline).

Accordingly, IT IS ORDERED THAT, no later than **Monday, October 17, 2016**, plaintiff shall show cause in writing why the court should not impose sanctions and dismiss this case for lack of prosecution due to plaintiff’s failure to comply with the Court’s Order of October 7, 2016, and the court’s other deadlines. The filing of the Second Amended Complaint shall be deemed a satisfactory response to this Order. **Failure to submit a response to this Order by the deadline set forth above may result in the imposition of sanctions and/or dismissal of this action for lack of prosecution.** See Fed. R. Civ. P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962); Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002), cert. denied, 538 U.S. 909 (2003).

Initials of Preparer

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