

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

**CIVIL MINUTES -- GENERAL**

Case No. **CV 17-3262-JFW(AFMx)**

Date: July 21, 2023

Title: Herbert E. Gleicke Trust, by and through its trustee Loren Miles, et al. -v- Altawood, Inc., et al.

**PRESENT:**

**HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE**

**Shannon Reilly  
Courtroom Deputy**

**None Present  
Court Reporter**

**ATTORNEYS PRESENT FOR PLAINTIFFS:**

None

**ATTORNEYS PRESENT FOR DEFENDANTS:**

None

**PROCEEDINGS (IN CHAMBERS):**

**ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD  
NOT ISSUE FOR VIOLATION OF THE COURT'S  
SCHEDULING AND CASE MANAGEMENT ORDER**

Pursuant to the Court's Scheduling and Case Management Order ("CMO") filed on May 4, 2022 (Docket No. 166), the Court's Order Re: Stipulation for Continuance (Docket No. 238), and the Local Rules, the parties were required to file a Joint Set of Proposed Jury Instructions, Joint Memorandum of Law re Disputed Instructions, Joint Verdict Form, and their respective Memoranda of Contentions of Fact and Law on or before July 20, 2023.

Defendants have failed to cooperate in the preparation of the required Joint Set of Proposed Jury Instructions, Joint Memorandum of Law re Disputed Instructions, and Joint Verdict Form. In addition, Defendant Altawood, Inc. has failed to file its Memorandum of Contentions of Fact and Law.

The Court expressly warned Defendants that: "If counsel fail to cooperate in the preparation of the required Pre-Trial documents [or] fail to file the required Pre-trial documents . . . and such failure is not otherwise satisfactorily explained to the Court . . . default judgment shall be entered if such failure occurs on the part of the defendant; or [ ] the Court may take such action as it deems appropriate." CMO at pp. 34. The Court also expressly warned Defendants that: "The failure of any counsel to comply with or cooperate in all of the foregoing procedures regarding jury instructions and/or verdict form will constitute a waiver of all objections to the jury instructions and/or verdict form used by the Court . . . ." CMO at 30.

Accordingly, Defendants are ordered to show cause, in writing, on or before **July 25, 2023**, why: (1) their respective answers should not be stricken and default should not be entered against them; (2) the Court should not impose sanctions in the amount of \$5,000 against each defendant's

lead counsel; and (3) the Court should not conclude that Defendants have waived all objections to Plaintiffs' proposed jury instructions and proposed verdict form. No oral argument on this matter will be heard unless otherwise ordered by the Court. See Fed. R. Civ. P. 78; Local Rule 7-15. The Order to Show Cause will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the imposition of sanctions and the entry of default against the relevant party.

IT IS SO ORDERED.