

PRIORITY SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 10-00344 VAP(OPx)

Date: May 15, 2012

Title: JOSEPH QUATTROCHI, SR., et al. -v- MELODIE SCOTT, et al.

=====
PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFFS:

ATTORNEYS PRESENT FOR
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER REQUIRING PLAINTIFFS TO SHOW
CAUSE, BY JUNE 30, 2012, WHY THIS MATTER SHOULD
NOT BE DISMISSED FOR FAILURE TO PROSECUTE, AND
VACATING THE JUNE 4, 2012, SCHEDULING
CONFERENCE (IN CHAMBERS)

The estate of Plaintiff Joseph Quattrochi, Sr.; his son, Plaintiff Joseph
Quattrochi, Jr.; and his daughter, Plaintiff Bernadette Garcia, brought this action on
March 5, 2010, alleging Defendants Melodie Scott, Conservatorship & Resources for
the Elderly, Inc. ("Conservatorship"), and the United States Department of Veterans
Affairs ("DVA") withheld wrongfully and misdirected benefits to which Joseph
Quattrochi, Sr., was entitled prior to his death.

MINUTES FORM 11
CIVIL -- GEN

Page 1

Initials of Deputy Clerk ___md___

On November 10, 2011, Plaintiffs sought successfully to default Defendants Scott and Conservatorship. (See Doc. Nos. 12, 14). Plaintiffs never moved for a default judgment against either Scott or Conservatorship, however. On March 15, 2012, DVA filed a Motion to Dismiss (Doc. No. 24), arguing the Court lacked subject-matter jurisdiction to hear Plaintiffs' claims against it. On March 26, 2012, the parties appeared before the Court for a scheduling conference; attorney Christine Bachman appeared on Plaintiffs' behalf for the limited purpose of informing the Court that Plaintiffs' counsel, James V. Reiss, had been declared ineligible to practice law by the State Bar of California. The Court continued the scheduling conference to June 4, 2012, to allow Plaintiffs to retain new counsel; it also moved the hearing date for DVA's Motion to Dismiss from April 16, 2012 to May 14, 2012. (See Minutes (Doc. No. 25).) Though the Court rescheduled the hearing on DVA's Motion, Plaintiffs nevertheless failed to file a timely opposition. The Court thus dismissed DVA as a party. (See Minute Order (Doc. No. 27).)

As the matter stands currently, Plaintiffs, one of which is the estate of Joseph Quattrochi, Sr., are unrepresented by counsel, and neither Bernadette Garcia nor Joseph Quattrochi, Jr., may represent the interests of anyone else, including their father's estate, before the Court. See L.R. 83-2.1. Meanwhile, of the three original Defendants in this case, one has been dismissed, and while defaults have been entered against the remaining two Defendants, no default judgment has been sought against either. The Court therefore ORDERS Plaintiffs to show cause in writing, on or before June 30, 2012, why this matter should not be dismissed without prejudice for failure to prosecute as to Defendants Scott and Conservatorship. Moreover, as a non-lawyer may not represent the interests of the estate of Joseph Quattrochi, Sr., Plaintiffs must retain counsel to represent the estate's interests, and respond to this Order on its behalf, on or before that date. The Court VACATES the June 4, 2012, scheduling conference in this matter.

IT IS SO ORDERED.