

JS-6

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

CIVIL MINUTES -- GENERAL

Case No. **EDCV 17-75-JFW (SPx)**

Date: November 7, 2017

Title: Salvador Gonzalez -v- Swift Transportation Co. Arizona, LLC, 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 DISMISSING ACTION WITHOUT PREJUDICE
FOR FAILURE TO COMPLY WITH COURT ORDER**

Pursuant to the Court's Scheduling and Case Management Order ("CMO") filed on February 17, 2017, the parties were ordered to file a Pre-Trial Conference Order; Motions in Limine; Memo of Contentions of Fact and Law; Pre-Trial Exhibit Stipulation; Summary of Witness Testimony and Time Estimates; Status Report re: Settlement; Agreed Upon Set of Jury Instructions and Verdict Forms; and Joint Statement re: Disputed Instructions, Verdicts, etc. ("Pre-Trial Documents") by November 6, 2017. The parties have violated the Court's Order by failing to file the required Pre-Trial Documents.¹

As a result of the parties' violation of the Court's Order, this action is **DISMISSED without prejudice**. See Federal Rule of Civil Procedure 41(b); see also *Yourish v. California Amplifier*, 191 F.3d 983, 986-988 (9th Cir. 1999); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). The Pretrial Conference scheduled for November 17, 2017, and the Trial scheduled for December 12, 2017 are hereby **VACATED**.

IT IS SO ORDERED.

¹ The only Pre-Trial Document filed was Defendant Swift Transportation Co. Arizona LLC's ("Defendant") Memorandum of Contentions of Fact and Law. Docket No. 26. Defendant also filed a motion *in limine* that was stricken because it was not properly noticed for hearing. See Docket Nos. 27 and 28. Plaintiff failed to file **any** Pre-Trial Documents.