

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **ED CV 17-1359-DMG (SPx)** Date July 20, 2020

Title ***Kathleen A. Bruner, et al. vs. LUX EAP, LLC, et al.*** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE RE COUNTER-CLAIMANTS' FOURTH AMENDED COUNTERCLAIM

The Court issued a Final Judgment in this action on April 8, 2019. [Doc. # 154.] As a part of that Judgment, the Court stayed the Counterclaims of Kathleen A. and Robert Bruner pending the appeal to the Ninth Circuit of several of this Court's rulings. *Id.* The Ninth Circuit affirmed this Court's decisions on April 24, 2019 and issued its formal mandate on June 18, 2020. [Doc. ## 158, 160.] The Bruners then filed a Fourth Amended Counterclaim on July 15, 2020. [Doc. # 161.]

Because the appeal to the Ninth Circuit has concluded, the Court lifts the stay on the Bruners' Counterclaims and places this action back into active status. But the Bruners are hereby **ORDERED TO SHOW CAUSE** why the Court should not strike their Fourth Amended Counterclaim for their failure to seek the Court's leave, either by stipulation or motion, before filing the document. Indeed, the Court's Final Judgment did not grant the Bruners leave to file amended counterclaims after the Ninth Circuit's resolution of their appeal, and it appears that the deadline for filing amended pleadings expired long ago. [Doc. ## 43-1, 101.] The Bruners shall respond to this Order in writing, not to exceed five pages, by **July 30, 2020**. The failure to provide a satisfactory response will result in the Court striking the Fourth Amended Counterclaim.

IT IS SO ORDERED.