

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

Case No. **EDCV 22-1951-KK-SHKx**

Date: July 22, 2024

Title: ***Rosario Santillan, et al. v. American Honda Motor Co., Inc., et al.***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and Comply with Court Orders**

On November 3, 2022, plaintiffs Rosario Santillan and Miguel Santillan Gonzalez (“Plaintiffs”) filed a Complaint against American Honda Motor Co., Inc. (“Defendant”). ECF Docket No. (“Dkt.”) 1. On December 13, 2023, Defendant filed an Answer. Dkt. 11.

On August 9, 2023, the Court issued an Order Granting Stipulation to Continue Schedule of Pretrial and Trial Dates and ordered the parties to participate in a private mediation under the mandatory Court-Directed Alternative Dispute Resolution Program no later than July 5, 2024. Dkt. 43.

On November 22, 2023, the Court issued a Reassignment Order stating “[d]ates for previously scheduled ADR conferences shall remain in effect.” Dkt. 46 at 2. On April 23, 2024, the Court issued an Order stating it has “updated its procedures in civil cases, including the recommended timelines in the Court’s Schedule of Pretrial Dates form and the requirements and deadlines for filing pretrial documents.” Dkt. 52. Specifically, the Court’s Civil Trial Scheduling Order advised Plaintiffs to file a Joint Report regarding the outcome of settlement discussions, the likelihood of possible further discussions, and any help the Court may provide with regard to settlement negotiations “**not later than seven (7) days after** the settlement conference.” Civil Trial Scheduling Order at 3 (emphasis in original).

Plaintiffs were, therefore, required to file the Joint Report no later than July 12, 2024. However, the Court has not received a Joint Report. Plaintiffs are therefore in violation of the Court's Civil Trial Scheduling Order.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiffs an opportunity to explain their failure to file the Joint Report as directed by the Court's Civil Trial Scheduling Order.

Accordingly, Plaintiffs are **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed and/or sanctions imposed for failure to prosecute and/or comply with court orders. Plaintiffs shall have **up to and including July 26, 2024** to respond to this Order.

**Plaintiffs are expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice and/or other sanctions, including monetary sanctions, for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).**

**IT IS SO ORDERED.**