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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAIRY AMERICA, INC.,

Plaintiff,

vs.

CASE NO. CV F 07-0537 LJO SMS

**ORDER TO VACATE HEARING AND TO
SHOW CAUSE**

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY, et. al,

Defendants.

On April 16 and 19, 2010, a staff member of Cannon & Nelms, P.C., telephoned this Court’s chambers no less than three times for information readily available on the docket and Local Rules regarding summary judgment motion filing. This Court’s chambers explained hearing dates and the need for 31 days notice and to comply with this Court’s Standing Order (main doc. 4, page 6). Despite such explanations, Cannon & Nelms, P.C., ignored chambers’ instructions and request that counsel telephone chambers to assure compliance with the Standing Order and instructions. As such, this Court:

1. VACATES the May 17, 2010 summary judgment motion hearing erroneously set by Cannon & Nelms, P.C.;
2. ORDERS plaintiff, no later than May 6, 2010, to file and serve opposition papers;
3. ORDERS defendant, no later than May 13, 2010, to file and serve reply papers; and
4. ORDERS Cannon & Nelms, P.C., no later than April 23, 2010, to file and serve papers to show cause why this Court should not impose sanctions for burdening chambers with

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unnecessary requests for easily accessible information and failure to comply with the Standing Order and chambers instructions' on summary judgment filing.

This Court's practice is to rule on motions on the record and to set oral argument only as it deems necessary.

IT IS SO ORDERED.

Dated: April 20, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE