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

ROGER McINTOSH,

Plaintiff,

vs.

CASE NO. CV F 07-1080 LJO GSA

**ORDER TO SHOW CAUSE REGARDING
BELATED CROSS CLAIMS**

NORTHERN CALIFORNIA
UNIVERSAL ENTERPRISES,
INC., et al,

Defendants.

AND RELATED CROSS-ACTION.

The April 16, 2009 scheduling order required the parties to file amended pleadings no later than April 24, 2009 and set motion deadlines, which have passed, and a December 17, 2009 pretrial conference. On November 9, 2009, defendants Northern California Universal Enterprises Company, Inc. ("NCUE") and Lotus Developments, L.P. ("Lotus") filed for the first time cross claims against defendants City of Wasco ("Wasco") and DeWalt, Inc. ("DeWalt"). As such, this Court ORDERS NCUE and Lotus, no later than November 16, 2009, to file papers to show cause why this Court should not impose sanctions, including striking the cross claims, on NCUE, Lotus and/or their counsel for disobedience of this Court's scheduling order and belated filing of cross claims well after discovery and motion deadlines have passed.

1 This Court ADMONISHES all parties and counsel to comply with this Court's orders, Local
2 Rules and the Federal Rules of Civil Procedure. This Court requires counsel, as officers of the Court,
3 to comply with their ethical and professional obligations.

4 IT IS SO ORDERED.

5 **Dated:** November 12, 2009

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

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