

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DELORES JOHNSON,	)	1:08-cv-00081 GSA
	)	
Plaintiff,	)	
	)	
v.	)	ORDER TO SHOW CAUSE
	)	RE: ATTORNEY HAROLD
	)	HEWELL’S NON-APPEARANCE
	)	
JP MORGAN CHASE BANK, N.A., LAKE	)	Hearing Date : April 13, 2010
VALLEY RETRIEVALS, INC., LAKE	)	Time: 1:30 pm
VALLEY INVESTMENTS, UNIFUND	)	Courtroom : 10 (GSA)
CCR PARTNERS, VIP ADJUSTMENT	)	
BUREAU, INC., BAG FUND LLC,	)	
JAY BERNSTEIN,	)	
	)	
Defendants.	)	
	)	

---

On February 2, 2010, a pretrial conference in this matter was set for March 23, 2010 at 1:30 pm in Courtroom 10. (Doc. 166). On March 17, 2010, the Court issued a minute order stating as follows : “The Court requires the personal appearance of counsel and the principals with settlement authority at the Pretrial Conference set for March 23, 2010 at 1:30 pm before the Honorable Gary S. Austin.” (Doc. 169). On March 19, 2009, the Court excused the personal

1 appearance of Defendant Jay Bernstein and the principal of VIP Adjustment Bureau, Inc. (“VIP”)  
2 on the condition that the attorneys were personally present and all principals were available by  
3 telephone to conduct settlement negotiations. The pretrial conference was held on March 23,  
4 2010, however, Harold Hewell, counsel for Defendants Jay Bernstein and VIP did not attend the  
5 hearing. Instead Marshall Moushigian, Esq., made a special appearance on Mr. Hewell’s behalf.  
6 Mr. Moushigian had very limited knowledge about this case.

7 Rule 16(e) of the Federal Rules of Civil Procedure requires that the pretrial conference be  
8 attended by at least one attorney who will conduct the trial for each party. Fed. R. Civ. P. 16(e).  
9 Therefore, the Court orders Mr. Hewell to show cause why the Court should not impose  
10 monetary or other sanctions for a flagrant violation of this court’s orders, as well as a violation of  
11 the Federal Rules of Civil Procedure. The hearing on the order to show cause will be held on  
12 **April 12, 2010 at 1:30 p.m.** in Department 10. The personal appearance of Mr. Hewell at the  
13 hearing is required. A written response to this order to show cause shall also be filed no later  
14 than **12:00 pm on Monday, April 5, 2010.** Failure to respond to this order to show cause as  
15 required may result in monetary or other sanctions against Mr. Hewell and Defendants Jay  
16 Bernstein and VIP.

17  
18 IT IS SO ORDERED.

19 **Dated: March 26, 2010**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE