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

MARLA LYNN SWANSON,)	1:09cv01507 LJO DLB
)	
)	
)	ORDER DISCHARGING ORDER
)	TO SHOW CAUSE AND VACATING
Plaintiff,)	DECEMBER 31, 2009 HEARING
)	
vs.)	(Document 35)
)	
EMC MORTGAGE CORPORATION, et)	
al.,)	
)	
Defendants.)	

On August 25, 2009, Plaintiff filed the present action.

On December 10, 2009, the Court issued an order to show cause why the action should not be dismissed for Plaintiff's failure to appear at the Mandatory Scheduling Conference on December 3, 2009. Plaintiff's counsel also failed to participate in the preparation of a joint scheduling report and reportedly made no effort to discuss the case with Defendants. The Court ordered Plaintiff's counsel to appear in person on December 31, 2009, to show cause why the action should not be dismissed.

Plaintiff's counsel filed a response to the order to show cause on December 29, 2009. Counsel explains that she has more than 80 cases pending in the district courts in California and she inadvertently overlooked the scheduling conference on December 3, 2009. Counsel further explains that she has hired a paralegal/office manager to assist her. Counsel accepts full responsibility for her

1 actions.

2 Based on counsel's response, the order to show cause is DISCHARGED and the December
3 31, 2009, hearing is VACATED. In the future, Plaintiff's counsel should ensure compliance with
4 deadlines scheduled in this matter.

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6 IT IS SO ORDERED.

7 Dated: December 30, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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