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

NORMAN FENN, JR.,  
Plaintiff,

CASE NO. CV F 10-1507 LJO SMS

**ORDER TO SHOW CAUSE AND TO  
VACATE HEARING AND PRETRIAL  
CONFERENCE**  
(Docs. 31.)

vs.

PENSKE LOGISTICS, INC., et al.,  
Defendants.

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Given the September 26, 2011 hearing on defendants' summary judgment motion, all opposition papers, including opposition evidence and exhibits, were required to be filed and served no later than September 12, 2011. Plaintiff failed to file and serve opposition evidence and exhibits to comply with Local Rule 230(c). As such, this Court:

1. ORDERS plaintiff, no later than September 14, 2011, to file and serve papers to show cause why sanctions, including striking of belatedly filed and served opposition evidence and exhibits, should not be imposed; and
2. VACATES the September 26, 2011 and October 4, 2011 pretrial conference. The pretrial conference will be reset as necessary.

Pursuant to its practice, this Court will consider defendants' summary judgment motion on the record without a hearing. *See* Local Rule 230(g).

IT IS SO ORDERED.

**Dated: September 13, 2011**

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