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

FRESNO ROCK TACO, LLC,
et al.,

Plaintiffs,

vs.

NATIONAL SURETY CORPORATION,
Defendant.

CASE NO. CV F 11-0845 LJO BAM

**ORDER TO MEET AND CONFER AS TO
MOTIONS IN LIMINE**

(Docs. 133-145.)

**DATE: October 4, 2012
TIME: 8 A.M.
DEPT.: 4 (LJO)**

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Plaintiff notes: "Pursuant to Paragraph T of the Pretrial Order, 'This Court ORDERS the parties' counsel to meet and confer on anticipated motions in limine and to distill evidentiary issues.' Plaintiffs' counsel has made several attempts to meet and confer by telephone but to no avail. Defendant's (sic) did not return the telephone calls."

The requirement to meet and to confer to distill the issues in any filed motions in limine was (and is) an ORDER of the Court, and is not a suggestion only if it is convenient to both counsel. This Court, serving in the busiest District Court in the Nation, frankly does not have time to deal with matters that Officers of the Court should be able to work out between themselves. Failure of one side to cooperate is inexcusable. Failure of both sides to follow the Court Order is worse.

1 The Court notes that there is currently a trial set for October 30, 2012. Simply because the
2 motions by the Plaintiff have already been filed in no way relieves the burden to meet, confer, distill and
3 resolve matters so that they won't need to be filed in the first instance. Because apparently one or both
4 counsel need hand holding by the Court, both counsel are HEREBY ORDERED to participate in a
5 telephonic status hearing at 8 a.m. on October 4, 2012 and are ORDERED TO SHOW CAUSE why
6 sanctions, including either the possibility of a dismissal of the complaint OR a striking of the defendant's
7 answer (depending on the Court's decision about which counsel is responsible for this outrageous
8 ignoring of this Court's Pretrial ORDER). Both counsel are to meet and confer BEFORE that
9 conference, and they are to call in on the same line to this Court for the on-the-record conference.

10 IT IS SO ORDERED.

11 **Dated: September 29, 2012**

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

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