

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

On September 5, 2012, the Court held a status conference in this case. (Doc. 36) At that time, counsel informed the Court that the matter was nearly resolved in that all that remained to be done was drafting and filing a stipulation to award Plaintiff fees and costs and to disburse the insurance proceeds to the Estate of Juanita Francisco Alvarado. Id. The Court set a further status conference on November 7, 2012 and ordered that a joint statement be filed setting forth the status of the matter no later than November 2, 2012. Id. However, no joint report was filed and counsel failed to appear at the status conference.

Nevertheless, in a related matter, Western Reserve Life Assurance Co. of Ohio v. Eduardo Canul, Case No. 1:11-cv-01751, counsel in that matter filed a status report on November 2, 2012 in which they indicated that the Estate had been opened but that letters of administration had not yet issued due to a delay in obtaining a bond by the petitioning administrator. (Doc. 35) As a result, the

Court continued the status conference in that matter to January 9, 2013. (Doc. 36). In light of counsel's failure to file the status report and appear at the hearing, the Court presumes that the circumstances of Western apply to this case as well, even though counsel for Plaintiff in this case was not a signatory to the joint statement filed in Western.¹ Therefore, the Court **ORDERS**:

1. A status conference will be held on January 9, 2013 at 10:30 a.m. Appearance via CourtCall is permitted;

2. Counsel **SHALL** file two joint status reports **no later than December 7, 2012 and January 4, 2013**, each which detail the current status of the matter.

IT IS SO ORDERED.

Dated: **November 7, 2012**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

¹ In issuing this order, the Court does not condone or excuse counsel's failure to file a status report in this case nor their failure to appear at the status conference set on November 7, 2012. Further failures to comply with the Court's orders will not be tolerated.