

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AURORA CERVANTES,

CASE NO. CV F 13-0121 LJO SKO

Plaintiffs, **ORDER TO IMPOSE DEFAULT SANCTION**
vs. **ON DEFENDANTS**
(Doc. 18.)

JACK IN THE BOX, et al.,

Defendants.

This Court's January 10, 2014 order ("January 10 order") required the parties, no later than February 10, 2014, to file papers to dismiss or conclude this action in its entirety, or to show good cause why the action has not been dismissed. In response to the January 10 order, Russell Humphrey ("Mr. Humphrey"), counsel for plaintiff Aurora Cervantes, advised this Court of his concerns that defendants delay completion of settlement. As such, this Court's February 11, 2014 order ("February 11 order") required defendants, no later than February 18, 2014, to file papers to show cause why sanctions should not be imposed on them for failure to complete settlement and/or for disobedience of the January 10 order. Defendants failed to respond to the February 11 order.

On the basis of good cause, this Court:

1. FINDS that defendants violated the January 10 and February 11 orders to warrant plaintiff to proceed with default judgment against defendants;

2. ORDERS plaintiff, no later than March 12, 2014, to file and serve proper papers to seek default judgment and related relief and to set a default judgment hearing before U.S. Magistrate Judge Sheila K. Oberto; and

3. ORDERS Mr. Humphrey to serve a copy of this order on defendants and/or their counsel and, no later than February 21, 2014, to file proper proofs of service to show that the January 10 and February 11 orders and this order were served on defendants and/or their counsel.

This Court ADMONISHES plaintiff and Mr. Humphrey that this Court will dismiss this action for failure to comply with this order and for failure to file timely papers as required by this order.

This Court ADMONISHES the parties and counsel that they must observe and comply with the Federal Rules of Civil Procedure and this Court's Local Rules and orders and are subject to sanctions as this Court deems appropriate.

IT IS SO ORDERED.

Dated: February 19, 2014

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