

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMY DURAN.

Plaintiff,

Y.

CITY OF PORTERVILLE, *et al.*,

Defendants.

Case No. 1:13-cv-370-BAM

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILING TO APPEAR AT HEARING**

The scheduling order in this case set trial for September 29, 2015, and set the pretrial conference for August 12, 2015. (Doc. 31). On August 12, 2015, the Court held a pretrial conference. Counsel Bruce Praet made a timely appearance by telephone on behalf of Defendants. At 8:30 AM, the time of the hearing, Plaintiff Amy Duran had not appeared. After waiting ten minutes, no appearance was made by Plaintiff Amy Duran when the case was called at 8:40 AM. The Court proceeded with the conference, set pretrial deadlines, and adjourned the hearing. Plaintiff Amy Duran did not appear.

Plaintiff's failure to appear for the August 12, 2015, pretrial conference, even after the conference was delayed to accommodate potential tardiness, hampers the efficient management of the Court's docket. The purpose of the pretrial conference is to set pretrial deadlines and also

1 prepare parties on the steps necessary for trial. While the Court proceeded with the conference
2 and set pretrial dates, the Court did not have the benefit of Plaintiff's input. This results in a
3 waste of Court time and resources are unnecessarily expended to address Plaintiff's failure to
4 appear. *See Chism v. Nat'l Heritage Life Ins. Co.*, 637 F.2d 1328, 1332 (9th Cir.1981) (holding
5 that the plaintiff's misconduct, which included failing "to comply with pretrial conference
6 obligations" "contributed to court congestion by wasting valuable court time"). Plaintiff's
7 disregard of the Court's scheduling order is particularly burdensome given the eve of trial;
8 however, Plaintiff will be given an opportunity to show good cause for his failure.

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10 Accordingly, counsel for Plaintiff Amy Duran is ORDERED TO SHOW CAUSE why
11 this Court should not impose sanctions for his failure to appear at the pretrial conference.
12 Counsel shall respond to this Order to Show Cause, in writing, no later than **August 17, 2015, at**
13 **12:00 p.m.** Failure to respond to this Order to Show Cause may result in the imposition of
14 sanctions.
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16 IT IS SO ORDERED.

17 Dated: August 12, 2015

18 /s/ *Barbara A. McAuliffe*
19 UNITED STATES MAGISTRATE JUDGE
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