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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAGJEEVAN K. DHALIWAL, et al.,
Plaintiffs,
v.
NIRMAL SINGH, et al.,
Defendants.

Case No. 1:13-cv-00484-LJO-SAB
ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILING TO APPEAR AT
SETTLEMENT CONFERENCE

A settlement conference in this action was scheduled for July 28, 2014 at 10:30 a.m. before the undersigned. Plaintiff Jagjeevan Dhaliwal appeared with counsel Lee Durst. Counsel Matthew Bradford and Marc Robinson appeared on behalf of Defendants KS Chandi & Sons, Inc. and Chandi Brothers LLC. Plaintiff Mohinder Gil did not appear at the hearing.

Local Rule 270(f) requires parties to appear at a settlement conference:

(1) United States Not a Party. In actions in which the United States is not a party, and unless specifically permitted otherwise by the Judge or Magistrate Judge conducting the settlement conference, counsel shall be accompanied in person by a person capable of disposition, or shall be fully authorized to settle the matter at the settlement conference on any terms.

The Court has inherent power to sanction parties or their attorneys for improper conduct. Chambers v. Nasco, Inc., 501 U.S. 32, 43-46 (1991); Roadway Express, Inc. v. Piper, 447 U.S. 752, 766 (1980); Fink v. Gomez, 239 F.3d 989, 991 (9th Cir. 2001). Failing to appear at the

1 settlement conference wastes the Court's time and resources and wastes the parties' time and
2 resources.

3 Plaintiff Gil did not appear for the settlement conference, nor did he request permission
4 to be available by other means for purposes of settlement. Plaintiff Gil's failure to appear at the
5 settlement conference caused Defendants KS Chandi & Sons, Inc. and Chandi Brothers, LLC to
6 incur unnecessary costs and attorney's fees to prepare for and appear at the settlement conference
7 unnecessarily. Accordingly, the Court will order Plaintiff Gil to show cause why sanctions
8 should not be imposed against him requiring Plaintiff Gil to reimburse Defendants KS Chandi &
9 Sons, Inc. and Chandi Brothers, LLC for such costs and attorney's fees.

10 Defendants KS Chandi & Sons, Inc. and Chandi Brothers, LLC shall file a memorandum
11 setting forth their reasonable costs and attorney's fees associated with preparing for and
12 attending the July 28, 2014 settlement conference by **Friday, August 15, 2014.**¹

13 Plaintiff Gil shall file a written response to the Court's order to show cause no later than
14 **Wednesday, August 27, 2014.** The written response shall also incorporate any objections to
15 Defendants' memorandum of costs and attorney's fees. Plaintiff Gil shall appear in person at a
16 show cause hearing on **Wednesday, September 3, 2014** at 10:00 a.m. in Courtroom 9 (SAB)
17 before Magistrate Judge Stanley A. Boone. Defendants are not required to appear at the show
18 cause hearing but may appear in person or via telephone if so desired. **Plaintiff Gil is**
19 **forewarned that the failure to appear at the show cause hearing may result in additional**
20 **sanctions, up to and including dismissal of this action.**

21 Based upon the foregoing, it is HEREBY ORDERED that:

- 22 1. Plaintiff Mohinder Gil shall SHOW CAUSE why sanctions should not be
23 imposed against him for failing to appear at the settlement conference on July 28,
24 2014;
- 25 2. Defendants KS Chandi & Sons, Inc. and Chandi Brothers, LLC shall file a
26 memorandum setting forth their reasonable costs and attorney's fees associated

27
28 ¹ Such costs and fees shall be limited to those solely associated with attending the settlement conference, and shall not include costs and fees associated with preparing the confidential settlement statement.

1 with preparing for and attending the July 28, 2014 settlement conference by
2 **Friday, August 15, 2014;**

- 3 3. Plaintiff Mohinder Gil shall file a written response to the Court's order to show
4 cause no later than **Wednesday, August 27, 2014;** and
5 4. Plaintiff Mohinder Gil shall appear **in person** for a show cause hearing on
6 **Wednesday, September 3, 2014 at 10:00 a.m.** in Courtroom 9 (SAB) before
7 Magistrate Judge Stanley A. Boone.

8
9 IT IS SO ORDERED.

10 Dated: **July 28, 2014**



UNITED STATES MAGISTRATE JUDGE