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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
AMENDED ORDER TO SHOW CAUSE
WHY SANCTIONS SHOULD NOT BE
IMPOSED FOR FAILING TO APPEAR AT
SETTLEMENT CONFERENCE
(ECF Nos. 97, 98)

A settlement conference in this action was scheduled for July 28, 2014 at 10:30 a.m. before the undersigned. Counsel Lee Durst appeared for the settlement conference with an individual who was identified as his client. Counsel Matthew Bradford and Marc Robinson appeared on behalf of Defendants KS Chandi & Sons, Inc. and Chandi Brothers LLC. Following the hearing, an order issued requiring Plaintiff Mohinder Gil to show cause why he should not be sanctioned for failing to appear at the settlement conference. On July 29, 2014, a letter was received from Mr. Bradford informing the Court that the individual who appeared with Plaintiffs' counsel was not Plaintiff Jagjeevan Dhaliwal, as the Court had believed, but was his brother Harpreet Dhaliwal.

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,

1 counsel shall be accompanied in person by a person capable of
2 disposition, or shall be fully authorized to settle the matter at the
3 settlement conference on any terms.

4 The Court has inherent power to sanction parties or their attorneys for improper conduct.
5 Chambers v. Nasco, Inc., 501 U.S. 32, 43-46 (1991); Roadway Express, Inc. v. Piper, 447 U.S.
6 752, 766 (1980); Fink v. Gomez, 239 F.3d 989, 991 (9th Cir. 2001). Failing to appear at the
7 settlement conference wastes the Court's time and resources and wastes the parties' time and
8 resources.

9 Neither Plaintiff appeared for the settlement conference, nor did they request permission
10 to be available by other means for purposes of settlement. The failure of the Plaintiffs to appear
11 at the settlement conference caused Defendants KS Chandi & Sons, Inc. and Chandi Brothers,
12 LLC to incur unnecessary costs and attorney's fees to prepare for and appear at the settlement
13 conference unnecessarily. Accordingly, the Court will order Plaintiffs to show cause why
14 sanctions should not be imposed against them requiring Plaintiffs to reimburse Defendants KS
15 Chandi & Sons, Inc. and Chandi Brothers, LLC for such costs and attorney's fees.

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

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

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 Further, Plaintiffs' counsel shall address who appeared at the hearing; why a party not
2 named as a plaintiff appeared; and why Counsel did not inform the court during the approximate
3 one hour in which the Court was communicating with the parties that Mr. Dhaliwal was not the
4 plaintiff required to be present for the conference.

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

- 6 1. Plaintiffs shall SHOW CAUSE why sanctions should not be imposed against
7 them for failing to appear at the settlement conference on July 28, 2014;
- 8 2. Defendants KS Chandi & Sons, Inc. and Chandi Brothers, LLC shall file a
9 memorandum setting forth their reasonable costs and attorney's fees associated
10 with preparing for and attending the July 28, 2014 settlement conference by
11 **Friday, August 15, 2014;**
- 12 3. Plaintiffs shall file a written response to the Court's order to show cause no later
13 than **Wednesday, August 27, 2014;**
- 14 5. In the written response, Plaintiffs' counsel shall address who appeared with him;
15 why the individual appeared at the settlement conference; and why he did not
16 inform the Court that the individual was not the named Plaintiff in this action; and
- 17 4. Plaintiffs shall appear **in person** for a show cause hearing on **Wednesday,**
18 **September 3, 2014 at 10:00 a.m.** in Courtroom 9 (SAB) before Magistrate Judge
19 Stanley A. Boone.

20 IT IS SO ORDERED.

21
22 Dated: July 31, 2014



UNITED STATES MAGISTRATE JUDGE