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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL WELDON,
Plaintiff,
v.
JERRY DYER, et al.,
Defendants.

Case No. 1:13-cv-00540-LJO-SAB
**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILING TO APPEAR AT HEARING**

On June 4, 2014, a hearing was held regarding the motion to dismiss filed by Defendants Econo Towing, Beryle Dodson, Marty Kodman and Robert Kodman. Timothy V. Logoluso appeared in person on behalf of the Econo Towing Defendants. Erica M. Camarena appeared via telephone on behalf of Defendant John Conlee. Plaintiff Paul Weldon (“Plaintiff”) did not appear at the hearing.

Local Rule 230 requires parties to appear at motion hearings:

(i) Failure to Appear. Absent notice of intent to submit the matter on the briefs, failure to appear may be deemed withdrawal of the motion or of opposition to the motion, in the discretion of the Court, or may result in the imposition of sanctions.

Failing to appear at motion hearings without filing the requisite notice of intent to submit the matter on the briefs wastes the Court’s time and resources and wastes the parties’ time and resources. If Plaintiff did not wish to participate in oral argument, the Local Rules require him to

1 inform the other parties and the Court so the parties and the Court do not waste their time and
2 resources holding a hearing without knowing that Plaintiff would not appear.

3 Plaintiff's failure to appear at the motion hearing without advance notice caused
4 Defendants Econo Towing, Beryle Dodson, Marty Kodman and Robert Kodman to incur
5 unnecessary costs and attorney's fees preparing for and appearing at the unnecessary hearing.
6 Accordingly, the Court will order Plaintiff to show cause why sanctions should not be imposed
7 against him requiring Plaintiff to reimburse Defendants Econo Towing, Beryle Dodson, Marty
8 Kodman and Robert Kodman for such costs and attorney's fees.

9 Defendants Econo Towing, Beryle Dodson, Marty Kodman and Robert Kodman shall file
10 a memorandum setting forth their costs and attorney's fees associated with preparing for and
11 attending the June 4 hearing by **Wednesday, June 25, 2014.**¹

12 Plaintiff shall file a written response to the Court's order to show cause no later than
13 **Wednesday, July 2, 2014.** The written response shall also incorporate any objections to
14 Defendants' memorandum of costs and attorney's fees. Plaintiff shall appear in person at a show
15 cause hearing on Wednesday, July 9, 2014 at 10:00 a.m. in Courtroom 9 (SAB) before
16 Magistrate Judge Stanley A. Boone. Defendants are not required to appear at the show cause
17 hearing but may appear in person or via telephone if so desired. **Plaintiff is forewarned that**
18 **the failure to appear at the show cause hearing may result in additional sanctions, up to**
19 **and including dismissal of this action.**

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

- 21 1. Plaintiff shall SHOW CAUSE why sanctions should not be imposed against him
22 for failing to appear, without notice, at the June 4, 2014 hearing on Defendants'
23 motion to dismiss;
- 24 2. Defendants Econo Towing, Beryle Dodson, Marty Kodman and Robert Kodman
25 shall file a memorandum setting forth their costs and attorney's fees associated
26 with preparing for and attending the June 4, 2014 hearing by **Wednesday, June**

27 _____
28 ¹ Such costs and fees shall be limited to those solely associated with attending the hearing, and shall not include costs and fees associated with preparing the motion to dismiss.

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25, 2014;

3. Plaintiff shall file a written response to the Court’s order to show cause and any objections to the Defendants’ costs and attorney’s fees memorandum no later than **Wednesday, July 2, 2014;** and

4. Plaintiff shall appear **in person** for a show cause hearing on **Wednesday, July 9, 2014 at 10:00 a.m.** in Courtroom 9 (SAB) before Magistrate Judge Stanley A. Boone.

IT IS SO ORDERED.

Dated: June 4, 2014



UNITED STATES MAGISTRATE JUDGE