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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

| | | |
|-------------------|---|--|
| NANCY JUNE NOVAK, |) | Case No.: 1:13-cv-01402-BAM |
| Plaintiff, |) | |
| v. |) | ORDER TO SHOW CAUSE WHY ACTION |
| DILL, et al., |) | SHOULD NOT BE DISMISSED, OR OTHER |
| Defendants. |) | EVIDENTIARY SANCTIONS SHOULD NOT BE |
| |) | IMPOSED, FOR FAILURE TO COMPLY WITH |
| |) | COURT ORDER AND LOCAL RULES AND |
| |) | FOR FAILURE TO PROSECUTE |
| |) | |
| |) | |
| |) | <u>Show Cause Hearing: August 1, 2016, at 8:30 a.m.</u> |
| |) | in Courtroom 8 (BAM) |
| |) | |

Plaintiff Nancy June Novak (“Plaintiff”) initiated this civil rights action on August 30, 2013. On May 8, 2014, the Court issued an initial scheduling conference order, which set discovery, pretrial and trial dates. The order also directed the parties to file a joint pretrial statement in compliance with the Court’s Local Rule 281. Doc. 36. Local Rule 218 requires a joint statement to be filed not less than seven (7) days before the date set by the Court for the pretrial conference. Local Rule 281(a)(2).

Following several modifications of the scheduling order, this matter is now set for a pretrial conference on August 1, 2016. Doc. 51. The parties’ joint statement was therefore due on July 25, 2016, seven (7) days before the pretrial conference. Local Rule 281(a)(2).

1 On July 25, 2016, Defendants City of Merced, Merced Police Officer Rasmussen, Sgt. Strubel
2 and Officer Chavez filed a pretrial statement. In their statement, Defendants indicated that they
3 provided Plaintiff's counsel with a draft copy of their pretrial statement on July 18, 2016. On July 20,
4 2016, Plaintiff's counsel communicated to Defendants that he had been ill and hoped to provide a joint
5 statement by Friday, July 22, 2016. Having received no further response or communication from
6 Plaintiff's counsel, Defendants submitted a separate pretrial statement. Doc. 65.

7 To date, Plaintiff has not filed a pretrial statement or otherwise communicated with this Court
8 regarding her statement. Given Plaintiff's failure to submit her portion of the joint pretrial statement,
9 to file her own separate statement, or to request an appropriate extension of time, IT IS HEREBY
10 ORDERED that Plaintiff show cause by WRITTEN response on or before **July 29, 2016, at 10:00**
11 **a.m.**, why this action should not be dismissed, with prejudice, for failure to obey the Court's order and
12 Local Rules and for failure to prosecute this action. The Court further sets a hearing on the Order to
13 Show Cause for August 1, 2016, at 8:30 a.m. in Courtroom 8 (BAM). Whether the hearing and
14 pretrial conference on August 1, 2016, and/or the trial set for September 13, 2016, will go forward as
15 scheduled will depend on Plaintiff's response, if any. If the response does not show GOOD CAUSE,
16 the matter will be dismissed.

17
18 IT IS SO ORDERED.

19 Dated: July 26, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE