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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREVOR WEEKS,  
Plaintiff,  
vs.  
UNION PACIFIC RAILROAD COMPANY,  
Defendant.

Case No.: 1:13-cv-01641 AWI JLT  
ORDER TO PLAINTIFF’S COUNSEL TO  
SHOW CAUSE WHY SANCTIONS, UP TO  
AND INCLUDING DISMISSAL, SHOULD  
NOT BE ISSUED FOR FAILURE TO  
COMPLY WITH THE COURT’S ORDERS  
AND FOR PLAINTIFF’S FAILURE TO  
PROSECUTE THE ACTION

This matter was initiated in this Court on October 10, 2013 when Plaintiff filed his complaint for damages alleging that he suffered from unlawful discrimination by Defendant. (Doc. 1) Plaintiff brings his claims under the Americans with Disabilities Act, the Fair Employment and Housing Act and California’s Labor Code. Id.

On January 23, 2014, the Court issued its scheduling conference order. (Doc. 11) In it, the Court ordered the parties to exchange their initial disclosures no later than February 14, 2014. Id. at 3. Moreover, the Court set a mid-discovery status conference to occur on June 2, 2014. Id. at 4. Counsel were ordered to file a joint statement describing the discovery efforts made to date in the case. Id. Nevertheless, Plaintiff’s counsel failed to cooperate in the filing of the report and, the report detailed only Defendant’s efforts. (Doc. 15 at 2)

At the hearing, counsel for Plaintiff indicated that due to the attorney who had been handling the matter leaving the firm 60 days before, no discovery has been conducted on

1 Plaintiff's behalf. Moreover, Plaintiff had failed to respond to discovery propounded by  
2 Defendant in a timely fashion. At the conclusion of the hearing, the Court was concerned about  
3 Plaintiff's failure to conduct discovery, the Court set a further status conference to occur on  
4 August 22, 2014. Due to the failure of Plaintiff's counsel to cooperate with the preparation of the  
5 previous joint statement, the Court explicitly ordered counsel to file a joint status conference  
6 report.

7 Nevertheless, once again, Plaintiff's counsel failed to cooperate in the preparation of the  
8 status conference report and, once again, the Court was provided no indication that Plaintiff has  
9 engaged in any discovery. (Doc. 17) Further, Defendant reports that Plaintiff still has not made  
10 his initial disclosures that were due more than six months ago. Id. at 6. Therefore, because it  
11 appears that Plaintiff's counsel has repeatedly failed to comply with the Court's orders and, it  
12 appears, Plaintiff has failed to prosecute this action, the Court **ORDERS**:

13 1. No later than September 5, 2014, Plaintiff's counsel **SHALL** show cause in  
14 writing why sanctions, up to and including an order of dismissal, should not issue for his failure  
15 to comply with the Court's orders and Plaintiff's failure to prosecute this action;

16 2. In light of the information provided that Defendant is taking reasonable efforts to  
17 complete its discovery efforts in a timely fashion as required, the status conference, currently set  
18 on August 22, 2014 is **VACATED**.

19  
20 IT IS SO ORDERED.

21 Dated: August 19, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE