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

STERLING CROSS DEFENSE
SYSTEMS, INC.,

Plaintiff,

v.

DOLARIAN CAPITAL, INC., et al.,

Defendants.

No. 1:13-cv-01773-AWI-GSA

ORDER TO SHOW CAUSE

On May 19, 2015, Plaintiff Sterling Cross Defense Systems, Inc. (“Plaintiff”) filed a motion to compel based on the failure of Defendant Ara Dolarian (“Defendant”) and his counsel, Myron Smith, to appear at Mr. Dolarian’s deposition, which was properly noticed for May 11, 2015. Doc. 32 at 3, 6; Doc. 32-1 at 11-15. Defendant did not file any opposition to Plaintiff’s motion to compel. The motion was set for hearing on May 22, 2015. Docs. 31, 33. Neither Defendant nor his counsel appeared at the motion hearing. Doc. 34.

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1 The Court has since determined, with reference to the website of the State Bar of
2 California, that Defendant's counsel appears to have stopped practicing law in California as of
3 February 27, 2015. To date, neither Defendant nor Mr. Smith has advised the Court of this
4 development. Furthermore, Plaintiff's counsel, Jeff Reich, states in a declaration submitted with
5 the motion to compel that "it has been difficult to communicate with [Defendant's] counsel
6 throughout this case." Doc. 32 at 7, ¶ 11. Mr. Reich also states in his declaration that "over the
7 last six to eight weeks I have attempted to contact [Defendant's] counsel on several occasions,
8 leaving messages each time, but have had no response whatsoever." *Id.* These recent
9 developments suggest that Defendant may no longer intend to defend himself against the
10 Plaintiff's allegations.
11

12 Accordingly, both Defendant and Mr. Smith are ordered to show cause why sanctions
13 should not be imposed, including the striking of all pleadings filed by the defendants (Ara G.
14 Dolarian and Dolarian Capital, Inc.) and the entry of a default judgment against both defendants.
15 Defendant and Mr. Smith shall file separate, written responses to this order to show cause no later
16 than June 25, 2015. Plaintiff may file, no later than July 2, 2015, an optional reply to any
17 response(s) filed by the Defendant and/or Mr. Smith. The Court sets a show cause hearing for
18 July 10, 2015 at 09:30 AM in Courtroom 10 (GSA) before Magistrate Judge Gary S. Austin.
19 Defendant Ara Dolarian, Mr. Myron Smith, and counsel for Plaintiff are ordered to appear in
20 person at the show cause hearing.
21

22 Defendant may request the Court, in writing, to continue these proceedings for a
23 reasonable period if he desires to retain new counsel to represent him in this matter and needs
24 additional time to do so. Any request to continue the deadline to respond to this Order to Show
25 Cause and, in turn, the July 10, 2015 show cause hearing, must be submitted to the Court no later
26 than June 25, 2015.
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Finally, the Court directs the United States Marshals Service to personally serve a copy of this order on Defendant Ara G. Dolarian and Mr. Myron Smith respectively and to submit proof of such service to the Court.

IT IS SO ORDERED.

Dated: May 29, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE