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

JERSEY ARCHITECTURAL DOOR &
SUPPLY, INC.,

Plaintiffs,

v.

AEROPLATE CORP., *et al.*,

Defendants.

Case No. 1:13-mc-00038-EPG

**ORDER TO SHOW CAUSE FOR
FAILURE TO COMPLY WITH COURT
ORDERS AND FAILURE TO PROSECUTE**

Plaintiff, Jersey Architectural Door & Supply, Inc., initiated this action on July 29, 2013, when it registered a foreign judgment. (ECF No. 1.) On August 21, 2019, Plaintiff filed an application for an order requiring defendant and judgment debtor Aeroplate Corp., to appear for a judgment debtor’s examination. (ECF No. 36.) The Court granted the application and entered an order on August 28, 2019, requiring Aeroplate to appear for a judgment debtor’s examination hearing on September 27, 2019, and to bring certain documents to that hearing. (ECF No. 38.)

On September 18, 2019, Aeroplate filed objections to the scope of the document request. (ECF No. 41.) Plaintiff also contacted the Court on September 18, 2019, and requested that the judgment debtor examination hearing be continued to allow both Plaintiff and Aeroplate additional time to prepare for the hearing. (ECF No. 40.) The Court granted the request and continued the hearing to November 15, 2019. (*Id.*) The Court also directed Plaintiff to file a response, no later than October 4, 2019, to Aeroplate’s objections. (ECF No. 42.)

On October 4, 2019, Plaintiff again contacted the Court and requested that the deadline for Plaintiff to file its response to Aeroplate’s objections be extended to October 31, 2019. Plaintiff

1 represented to the Court that the extension of time was needed to allow Plaintiff to review the
2 voluminous documents Aeroplate had provided and continued to provide to Plaintiff, and also
3 because the parties were meeting and conferring in an effort to settle the matter, which would
4 render a judgment debtor examination unnecessary. (ECF No. 43.) The Court granted the
5 requested extension of the deadline, to October 31, 2019, for Plaintiff to file its response to
6 Aeroplate's objections. (*Id.*) The deadline of October 31, 2019, passed and Plaintiff did not file a
7 response to Aeroplate's objections as ordered by the Court.

8 On November 5, 2019, the Court vacated the judgment debtor examination hearing that
9 was set for November 15, 2019, and ordered Plaintiff to file, no later than November 8, 2019, its
10 response to Aeroplate's objections or a notice that the case had settled. (ECF No. 44.) The
11 November 8, 2019, deadline passed, and Plaintiff failed to file either a response to Aeroplate's
12 objections or notice that the case has settled.

13 Plaintiff has thus again failed to comply with the Court's orders. Accordingly, the Court
14 orders that Plaintiff, Jersey Architectural Door & Supply, Inc., show cause why sanctions, up to
15 and including dismissal of this case, should not be issued for failure to comply with the Court's
16 orders and for Plaintiff's failure to prosecute this case.

17 IT IS ORDERED that no later than **November 20, 2019**, Plaintiff, Jersey Architectural
18 Door & Supply, Inc., shall file a written response to this Order to Show Cause indicating whether
19 it intends to prosecute this action and explaining its failures to comply with the Court's orders
20 requiring it to file a response to Defendant Aeroplate Corp.'s objections.

21 **Plaintiff is cautioned that failure to respond to this Order as set forth above may**
22 **result in the dismissal of this case.**

23
24 IT IS SO ORDERED.

25 Dated: **November 13, 2019**

26 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE