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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

T.C.E.F., INC., a California corporation, dba ALL GREEN COLLECTIVE; TONY F. MONASSAR; JABE T. SATTERFIELD,

Plaintiffs,

v.

COUNTY OF KERN, a political subdivision of the State of California; and GREG FENTON Kern County Building Official, on behalf of themselves and in the name of the People of the State of California; and DOES 1 through 10, Inclusive,

Defendants.

No. 1:14-cv-01893-GEB-BAM

ORDER TO SHOW CAUSE AND CONTINUING STATUS (PRETRIAL SCHEDULING) CONFERENCE; FED. R. CIV. P. 4(M) NOTICE

The December 10, 2014 Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case on February 23, 2015, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. The December 10, 2014 Order further required a status report be filed regardless of whether a joint report could be procured. No status report was filed as ordered.

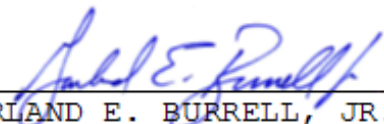
Therefore, Plaintiffs are Ordered to Show Cause ("OSC") in a writing to be filed no later than February 23, 2015, why

1 sanctions should not be imposed against them and/or their counsel
2 under Rule 16(f) of the Federal Rules of Civil Procedure for
3 failure to file a timely status report. The written response
4 shall also state whether Plaintiffs or their counsel are at
5 fault, and whether a hearing is requested on the OSC.¹ If a
6 hearing is requested, it will be held on May 4, 2015, at 9:00
7 a.m., just prior to the status conference, which is rescheduled
8 to that date and time. A joint status report shall be filed no
9 later than fourteen (14) days prior to the status conference.

10 Further, Plaintiffs are notified under Rule 4(m) of the
11 Federal Rules of Civil Procedure that failure to serve each
12 defendant with process within the 120 day period prescribed in
13 that Rule may result in the unserved defendant(s) and/or this
14 action being dismissed. To avoid dismissal, on or before April 3,
15 2015, Plaintiffs shall file proof of service for each defendant
16 or a sufficient explanation why service was not completed within
17 Rule 4(m)'s prescribed service period.

18 IT IS SO ORDERED.

19 Dated: February 12, 2015

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22 _____
23 GARIAND E. BURRELL, JR.
24 Senior United States District Judge

25
26 ¹ "If the fault lies with the attorney, that is where the impact of
27 sanction should be lodged. If the fault lies with the clients, that is where
28 the impact of the sanction should be lodged." In re Sanction of Baker, 744
F.2d 1438, 1442 (10th Cir. 1984), cert. denied, 471 U.S. 1014 (1985).
Sometimes the faults of attorneys, and their consequences, are visited upon
clients. Myers v. Shekter (In re Hill), 775 F.2d 1385, 1387 (9th Cir. 1985).