1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8 Case No. 1:15-cv-00683-DAD-SKO 9 DESIREE MARTINEZ, 10 Plaintiff, ORDER REQUIRING DEFENDANT 11 v. WHY SANCTIONS SHOULD NOT ISSUE R FAILING TO COMPLY WITH THE 12 COURT'S ORDER OR KYLE PENNINGTON, KIM TERNATIVELY TO SUMBIT A 13 NFIDENTIAL SETTLEMENT PENNINGTON. CONFERENCE STATMENT 14 Defendants. 15 16 17 18 **Procedural History** 19 A Settlement Conference in this case was set for August 27, 2024. The Court and issued an 20 'Order re Settlement Conference" (SC Order) on April 23, 2024. (Docs. 242.) The parties were 21 required to submit a confidential settlement statement to the Court no later than fourteen days before 22 the conference date. (Doc. 242 at 2.) The Court also set a pre-settlement telephonic conference on 23 August 20, 2024. (Doc. 242 at 4.) 24 Defendant Kyle Pennington neither submitted a confidential settlement statement, nor appeared at the August 20, 2024, pre-settlement telephonic conference. (Doc. 247.) The Court set 26 h further pre-settlement conference for August 22, 2024, to discuss the propriety of proceeding with 27 the August 27, 2024, settlement conference. (Id.) 28 On August 22, 2024, the Court held a follow-up telephone conference at which all parties

appeared. (Doc. 248.) Defendant Kyle Pennington was admonished that he must comply with the Court's Settlement Conference Order, including timely submission of a confidential settlement statement and appearance at the pre-settlement telephonic conference. The settlement conference was continued to October 30, 2024, and a pre-settlement conference was set for October 23, 2024. The Court also issued an Amended Settlement Conference Order (Amended Settlement Conference Order) on August 22, 2024. (Doc. 249.)

The Court has timely received the confidential statements from Plaintiff and Defendant Kim Pennington; however, no statement has been received from Defendant Kyle Pennington in accordance with the Amended Settlement Conference Order.¹

Order to Show Cause

This Court spends considerable time preparing for settlement conference so as to make it meaningful to the parties and results in a greater likelihood of settlement success. Settlement is extremely important in this district where the judges have one of the highest caseloads per judge in the United States. The settlement conference statement assists the Court in adequately preparing for these matters. They are <u>not</u> pro forma.

Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions ... within the inherent power of the Court." The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. *Bautista v. Los Angeles Cty.*, 216 F.3d 837, 841 (9th Cir. 2000).

Pursuant to the Order, the parties' confidential settlement statements were due on October 16, 2024. As noted above, Defendant Kyle Pennington has again failed to submit a confidential statement. Defendant Kyle Pennington is therefore required to show cause why sanctions should not issue for the failure to submit a confidential settlement conference statement in compliance with the Court's order. Alternatively, Defendant Kyle Pennington may submit a confidential settlement conference statement by October 21, 2024.

As noted above, this is not the first time Defendant Kyle Pennington have failed to comply with the Court's orders in his case.

1	<u>Order</u>					
2	Accordingly, IT IS HEREBY ORDERED that:					
3	1. By no later than October 21, 2024 , Defendant Kyle Pennington shall <u>either:</u>					
4		a	a.	file a written respo	onse to 1	this order showing cause why sanctions should not
5				issue for the failur	e to con	mply with the Court's order; or
6		t	5.	submit a confident	tial settl	ement conference statement.
7	2. The Clerk of the Court SHALL serve a copy of this Order to defendant Kyle					
8	Pennington at the P.O. Box listed on the docket.					
9	Failure to comply with this order may be grounds for the imposition of sanctions on					
10	any and a	ll cou	ınsel	as well as any part	y or pa	rties who cause such non-compliance.
11	IT IS SO ORDERED.					
12						
13	Dated:	Octo	<u>ober</u>	17, 2024		/s/ Sheila K. Oberto
14						UNITED STATES MAGISTRATE JUDGE
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