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

DAVID MUGRIDGE,  
Plaintiff,  
v.  
MARQUEZ J L PROPERTIES LLC, et al.,  
Defendants.

Case No. 1:15-cv-00834-LJO-SAB  
ORDER SETTING SHOW CAUSE  
HEARING  
September 15, 2015 at 9:30 a.m.

On September 11, 2015, the Court ordered the parties to show cause why they should not be sanctioned for failing to comply with a court order. (ECF No. 7.) The Court noted that the Court’s June 1, 2015 order set a scheduling conference for September 15, 2015 and ordered the parties to file a Joint Scheduling Report on or before September 8, 2015. The parties had not filed a Joint Scheduling Report.

Defendant Marquez J L Properties LLC and Defendants Michelle Barnett and Barnett Insurance Agency filed responses to the order to show cause on September 12, 2015 and September 14, 2015. (ECF Nos. 8, 10.) Plaintiff David Mugridge (“Plaintiff”) filed a Notice of Settlement on September 13, 2015, but did not file a response to the order to show cause. Responses were due by noon on September 14, 2015.

Defendants inform the Court that they were unaware of the scheduling conference. Defendants further inform the Court that the parties had been working diligently to resolve the

1 matter via settlement. Moreover, although the Court’s courtroom deputy e-mailed the parties  
2 using the e-mail addresses registered with the Court’s CM/ECF system, Defendants claim they  
3 did not receive that e-mail. Lance Armo, Counsel for Defendant Marquez J L Properties LLC,  
4 claims that his e-mail on file with the Court’s CM/ECF system is [lance@larmolaw.com](mailto:lance@larmolaw.com),  
5 [hyeatty@sbcglobal.net](mailto:hyeatty@sbcglobal.net), and [hyemom@sbcglobal.net](mailto:hyemom@sbcglobal.net). However, at the time the Court issued the  
6 September 11 order to show cause, the e-mail addresses on file for Mr. Armo were  
7 [larmolaw@yahoo.com](mailto:larmolaw@yahoo.com) and [hyeatty@sbcglobal.net](mailto:hyeatty@sbcglobal.net).<sup>1</sup> The e-mail from the Court’s courtroom  
8 deputy was sent to [larmolaw@yahoo.com](mailto:larmolaw@yahoo.com) but not to [hyeatty@sbcglobal.net](mailto:hyeatty@sbcglobal.net). However, the one  
9 email should have been sufficient since counsel provided both emails as emails from which  
10 notices can be received.

11 Counsel for Defendants Michelle Barnett and Barnett Insurance Agency provided no  
12 explanation for not receiving the e-mail, which was sent to [bneilsonlaw@gmail.com](mailto:bneilsonlaw@gmail.com) – the e-mail  
13 address registered for Mr. Bruce Neilson on CM/ECF.

14 The Court will discharge the order to show cause with respect to Defendants. However,  
15 the Court advises counsel for Defendants to ensure that their contact information is up-to-date at  
16 all times as this court relies upon such information in managing its cases.

17 The Court will not discharge the order to show cause with respect to Plaintiff David  
18 Mugridge. Plaintiff failed to provide any response whatsoever to the Court’s order to show  
19 cause. Furthermore, Defendants informed the Court that they did not receive a copy of the June  
20 1, 2015 Order Setting Mandatory Scheduling Conference, despite the fact that the Court ordered  
21 Plaintiff to serve a copy of the June 1 order on Defendants. (See Order Setting Mandatory  
22 Scheduling Conference, at pg. 2:3-7 (“...the Court will order counsel for the plaintiff to serve a  
23 copy of this Order on the defendant, or, if identified, on their counsel....”).)

24 Accordingly, Plaintiff’s attorney shall appear in person at 9:30 a.m. on September 15,  
25 2015—the time set for the initial scheduling conference. Plaintiff shall show cause at that time  
26 why sanctions should not be issued against him for failing to comply with the Court’s June 1  
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28 <sup>1</sup> It appears that Mr. Armo since updated his e-mail address on CM/ECF to “earmo26@gmail.com.”

1 order and for failing to respond to the Court's September 11 order to show cause. Defendants  
2 shall not be required to attend at the hearing.

3 Based upon the foregoing, it is HEREBY ORDERED that:

- 4 1. The initial scheduling conference scheduled for September 15, 2015 at 9:30 a.m.  
5 in Courtroom 9 (SAB) before United States Magistrate Judge Stanley A. Boone is  
6 converted to a show cause hearing;
- 7 2. Plaintiff's attorney shall appear in person on September 15, 2015 at 9:30 a.m. in  
8 Courtroom 9 (SAB) before United States Magistrate Judge Stanley A. Boone to  
9 SHOW CAUSE why sanctions should not be imposed for failing to comply with  
10 the Court's June 1 order and for failing to respond to the Court's September 11  
11 order to show cause; and
- 12 3. Defendants shall not be required to appear at the show cause hearing on  
13 September 15, 2015 at 9:30 a.m. as they have been discharged based upon their  
14 good cause responses to the Court order.

15 IT IS SO ORDERED.

16 Dated: September 14, 2015

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19 UNITED STATES MAGISTRATE JUDGE  
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