

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
9

10 SERGIO MORA,

11 Plaintiff,

12 v.

13 ZETA INTERACTIVE CORP., et al.,

14 Defendants.

Case No. 1:16-cv-00198-DAD-SAB

ORDER REQUIRING PLAINTIFF TO  
SHOW CAUSE WHY SANCTIONS  
SHOULD NOT BE IMPOSED FOR  
FAILURE TO COMPLY WITH THE  
JANUARY 25, 2017 ORDER

DEADLINE: FEBRUARY 3, 2017, AT  
NOON

15  
16 On January 17, 2017, Plaintiff filed a motion to compel discovery with a hearing on the  
17 motion set for February 8, 2017. (ECF No. 46.) The parties filed a joint statement re discovery  
18 disagreement on January 23, 2017. (ECF No. 49.)

19 On January 25, 2017, an order issued requiring the parties to conduct a meaningful meet  
20 and confer in person or by telephone regarding the issues in the motion to compel on or before  
21 January 31, 2017. (ECF No. 50.) The parties were also ordered to file a supplemental **joint**  
22 **statement** detailing their renewed meet and confer efforts and any additional information for the  
23 motion, or a notice of withdrawal of the motion to compel, on or before January 31, 2017. If  
24 Plaintiff did not withdraw the motion to compel and Defendants requested a protective order that  
25 was different from Plaintiff's proposed protective order, Defendants were ordered to file a copy  
26 of their proposed protective order.

27 On January 31, 2017, Defendants filed their updated statement re discovery disagreement  
28 discussing their position and their proposed protective order. (ECF No. 51.) Defendants indicate

1 in their updated statement re discovery disagreement that after the parties met and conferred on  
2 January 30, 2017, Plaintiff provided Defendants with an updated joint statement reflecting  
3 Plaintiff's changes. Defendants then provided Plaintiff with Defendants' changes. Defendants  
4 state that they then inquired multiple times regarding Plaintiff's intent to file the updated joint  
5 statement, but they did not receive any response from Plaintiff and Plaintiff had not filed the  
6 joint statement at the time Defendants filed their updated portion of the joint statement.  
7 Although Plaintiff was participating in drafting the supplemental joint statement, it appears that  
8 Plaintiff stopped communicating and did not file the supplemental joint statement. Plaintiff also  
9 did not file a supplemental statement re discovery disagreement, file a notice of withdrawal of  
10 the motion to compel, or otherwise respond to the Court's January 25, 2017 order.

11 Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these  
12 Rules or with any order of the Court may be grounds for imposition by the Court of any and all  
13 sanctions . . . within the inherent power of the Court." The Court has the inherent power to  
14 control its docket and may, in the exercise of that power, impose sanctions where appropriate,  
15 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.  
16 2000).

17 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall show cause in writing no  
18 later than **February 3, 2017, at noon**, why sanctions should not be imposed for failure to  
19 comply with the January 25, 2017 order. **Plaintiff is forewarned that the failure to show**  
20 **cause may result in the imposition of sanctions, including the dismissal of this action.**

21 IT IS SO ORDERED.

22 Dated: February 1, 2017

23   
24 \_\_\_\_\_  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28