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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 MIKE MURPHY’S ENTERPRISES, INC.,

12 Plaintiff,

13 v.

14 FINELINE INDUSTRIES, LLC,

15 Defendant.

Case No. 1:16-cv-00784-JLT-SAB

ORDER DISCHARGING ORDER TO
SHOW CAUSE

(ECF Nos. 65, 66)

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17 Plaintiff initiated this action on June 6, 2016. (ECF No. 1.) On October 31, 2016, the
18 Court granted Defendant’s motion to stay this case pending resolution of Plaintiff’s parallel state
19 court action. (ECF No. 26.) On November 2, 2016, the Court ordered the parties to file a status
20 report every 90 days until the stay is lifted and set the deadline for the first status report for
21 January 31, 2017. (ECF No. 27.) Since that date, the parties have submitted approximately 21
22 status reports regarding the status of the parallel state court action. On March 29, 2022, the
23 Court issued an order after the parties failed to file a status report. (ECF No. 60.) The order
24 stated: “this is the fourth time it has been required to order the parties to submit their regular
25 status report after they failed to timely do so ... [s]hould the parties fail to timely submit their
26 next status report, the Court will issue an order to show cause why sanctions should not be issued
27 for their failure to comply with this Court’s orders.” (ECF No. 60 at 1–2.) The prior status
28 report was filed on November 23, 2022 (ECF No. 64); therefore, the next status report was due

1 on February 21, 2023. However, the parties failed to file a status report by that date.
2 Accordingly, on February 23, 2023, the Court ordered the parties to show cause in writing why
3 sanctions should not issue for the failure to file a status report, in addition to ordering the parties
4 to provide a status report in compliance with the Court's March 29, 2022 order. (ECF No. 65.)

5 On February 24, 2023, the parties filed a joint status report and responses to the order to
6 show cause. (ECF No. 66.) The parties each proffer the untimeliness of the current status report
7 was due to a misunderstanding regarding calculation of the filing deadline. (ECF No. 66-1.)
8 The joint status report indicates the parties are awaiting orders and the amended judgment from
9 the court in the state court action. The Court is satisfied with these responses and shall discharge
10 the order to show cause.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The February 23, 2022 order to show cause (ECF No. 65) is DISCHARGED;
- 13 2. The parties' next joint status report shall be filed **no later than 90 days from the**
14 **date of electronic filing of this order;** and
- 15 3. Thereafter, a joint status report shall be filed **every 90 days from the date of**
16 **electronic filing of the prior status report,** until the stay is lifted.
- 17 4. Failure to comply with this order may result in the imposition of sanctions.

18 IT IS SO ORDERED.

19 Dated: February 27, 2023

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22 UNITED STATES MAGISTRATE JUDGE
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