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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 INTEGON PREFERRED INSURANCE
12 COMPANY,

13 Plaintiff,

14 v.

15 ISABELLA ALVAREZ CAMACHO, et al.,

16 Defendants.

Case No. 1:16-cv-01496-AWI-SAB

ORDER DISCHARGING FEBRUARY 14,
2018 AND FEBRUARY 21, 2018 ORDERS
TO SHOW CAUSE; VACATING MARCH 7,
2018 HEARING; AND LIFTING STAY
IMPOSED AS TO DEFENDANTS
ISABELLA ALVAREZ CAMACHO AND X-
TREME AG LABOR, INC.

(ECF Nos. 86, 87, 88, 89)

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18 On October 5, 2016, Plaintiff Integon Preferred Insurance Company filed this action
19 seeking declaratory relief. (ECF No. 1.) On August 21, 2017, Defendants Isabella Alvarez
20 Camacho (“Defendant Camacho”) and X-Treme Ag Labor, Inc. (“Defendant X-Treme Ag
21 Labor”) filed a notice of automatic stay pursuant to 11 U.S.C. § 362. (ECF No. 85.) On
22 September 15, 2017, an order issued staying all proceedings against Defendants Camacho and X-
23 Treme Ag Labor. (ECF No. 86.)

24 In an action in which these same defendants are named, the Court received notice that the
25 bankruptcy case against X-Treme Ag Labor, Inc. has been closed. See R. Alexander Costa v.
26 Valley Garlic, Inc. et al., No. 1:16-cv-01156-AWI-EPG (E.D. Cal. Dec. 22, 2017). On February
27 14, 2018, the Court ordered Defendant X-Treme Ag Labor to show cause in writing within five
28 (5) days from the date of entry of the order why the stay in this action as to Defendant X-Treme

1 Ag Labor should not be lifted and proceedings be reinstated in this matter. (ECF No. 87.) The
2 Court also ordered Defendant Camacho to inform the Court of the status of her bankruptcy
3 proceedings within five (5) days from the date of entry of the February 14, 2018 order. (ECF
4 No. 87.)

5 However, Defendants Camacho and X-Treme Ag Labor did not respond to the Court's
6 February 14, 2018 order by the deadline. Therefore, on February 21, 2018, the Court issued an
7 order requiring Defendants Camacho and X-Treme Ag Labor's counsel, Gerardo Hernandez Jr.
8 and Riley C. Walter, to show cause in writing why sanctions should not issue for the failure to
9 comply with the Court's February 14, 2018 order. (ECF No. 88.) The Court also required
10 Gerardo Hernandez Jr. and Riley C. Walter to personally appear for a hearing on March 7, 2018.

11 On February 21, 2018, Defendants Camacho and X-Treme Ag Labor filed a response to
12 the Court's February 14, 2018 order. (ECF No. 89.) Defendants Camacho and X-Treme Ag
13 Labor indicate that they have been issued a final decree in each of their respective bankruptcy
14 petitions and that they do not oppose the Court's lifting of the stay in this action. Therefore, the
15 Court shall lift the stay imposed as to Defendants Camacho and X-Treme Ag Labor and
16 discharge the February 14, 2018 order to show cause.

17 Defendants Camacho and X-Treme Ag state that their response to the Court's February
18 14, 2018 order is one day late due to a clerical error. Defendants Camacho and X-Treme Ag
19 Labor's counsel indicate that the wrong date for the deadline was entered into the automated
20 calendaring system. They request that the Court not issue sanctions based on this mistake.
21 Based on Defendants' and their counsel's response to the orders to show cause, the Court shall
22 discharge the February 21, 2018 order to show cause and vacate the March 7, 2018 show cause
23 hearing. Counsel are admonished that they do not ever have to wait until a deadline to respond to
24 a court's order to show cause. This avoid further unnecessary OSC's by the Court and responses
25 by counsel.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The February 14, 2018 order to show cause (ECF No. 87) is DISCHARGED;
3 2. The February 21, 2018 order to show cause (ECF No. 88) is DISCHARGED;
4 3. The March 7, 2018 show cause hearing is VACATED; and
5 4. The stay imposed as to Defendants Camacho and X-Treme Ag Labor is lifted as
6 they have been issued a final decree in their bankruptcy petitions.

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8 IT IS SO ORDERED.

9 Dated: February 23, 2018


UNITED STATES MAGISTRATE JUDGE