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

HERTA CARTAGENA,

Plaintiff,

v.

THOMAS R. SCHROEDER., et al.,

Defendants.

Case No. 1:16-cv-01728-DAD-BAM

ORDER DISCHARGING ORDER TO SHOW
CAUSE

ORDER CONTINUING THE INITIAL
SCHEDULING CONFERENCE

New Date: May 9, 2017

Time: 9:30 a.m.

Dept: 8(BAM)

Plaintiff Herta Cartagena, with the assistance of counsel, filed the instant civil action on November 15, 2016. An Initial Scheduling Conference was set for March 7, 2017. Plaintiff's counsel failed to appear at the conference. Accordingly, the Court issued an order directing Plaintiff's counsel to show cause why sanctions should not be imposed for the failure to appear at the scheduling conference. (Doc. 14). The Court also set an Order to Show Cause hearing for April 11, 2017.

On March 21, 2017, Plaintiff's counsel filed a written response to the Court's show cause order. (Doc. 15). Counsel represents that he did not appear at the scheduling conference because on the day of the conference he was experiencing significant health problems and debilitating side effects from his prescription medication. Counsel further explained that since missing the

1 scheduling conference he has returned to his cardiologist who has adjusted the dosage of his
2 medication.

3 On April 11, 2017, the Court conducted an Order to Show Cause hearing. Counsel for
4 Plaintiff appeared in person. Pro se Defendant Thomas Schroeder appeared telephonically on his
5 own behalf. At the show cause hearing, Plaintiff's counsel reiterated that while his health
6 symptoms prevented him from timely appearing at the initial scheduling conference, his wife and
7 another attorney have agreed to assist him in monitoring his future obligations in this case.

8 The Court later inquired about the status of the case. In response, Defendant Thomas
9 Schroeder represented to the Court that he is in the process of retaining counsel to represent him
10 and the related revocable living trust. Based on Defendant's representation, the Court continued
11 the scheduling conference so that counsel for Defendant could substitute into the case.

12 Having considered Plaintiff's counsel's written response and the representations made by
13 Defendant and Plaintiff's counsel on the record, it is **HEREBY ORDERED** as follows:

- 14 1. The Court's Order to Show Cause issued on March 17, 2017, is **HEREBY**
15 **DISCHARGED** and no sanctions will be imposed;
- 16 2. The **INITIAL SCHEDULING CONFERENCE** is **CONTINUED** to **May 9, 2017 at**
17 **9:30 AM in Courtroom 8 (BAM)** before Magistrate Judge Barbara A. McAuliffe.
18 Each party may appear telephonically at the scheduling conference using the following
19 dial-in number and passcode: dial-in number 1-877-411-9748; passcode: 3190866.
- 20 3. By no later than **May 2, 2017**, the parties shall file an amended **JOINT Scheduling**
21 **Conference Report** listing proposed discovery and trial dates.

22
23 **IT IS SO ORDERED.**

24 Dated: April 11, 2017

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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