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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 OLGA CASILDO, et al., ) Case No.: 1:17-cv-00601 LJO JLT  
12 Plaintiffs, )  
13 v. ) ORDER TO PLAINTIFFS TO SHOW CAUSE  
14 ESPARZA ENTERPRISES, et al., ) WHY SANCTIONS SHOULD NOT BE IMPOSED  
15 Defendants. ) FOR THE FAILURE TO COMPLY WITH THE  
16 ) COURT'S ORDERS AND TO PROSECUTE THIS  
 ) ACTION; ORDER CONTINUING SCHEDULING  
 ) CONFERENCE  
 )

17 On April 28, 2017, the plaintiffs initiated this action for themselves and on behalf of a  
18 prospective class. (Doc. 1) On May 1, 2017, the Court issued the summons (Doc. 4) and its order  
19 setting the mandatory scheduling conference to occur on July 26, 2017. (Doc. 5) In its order setting  
20 the mandatory scheduling conference, the Court advised counsel:

21 The Court is unable to conduct a scheduling conference until defendants have been  
22 served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue  
23 service of summons and complaint and dismiss those defendants against whom plaintiff(s) will  
24 not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and  
25 complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4  
regarding the requirement of timely service of the complaint. Failure to timely serve summons  
and complaint may result in the imposition of sanctions, including the dismissal of unserved  
defendants.

26 (Doc. 5 at 1-2, emphasis added) Despite this, the plaintiffs have not filed a proof of service of  
27 the summons and complaint as to the defendant. Nevertheless, on May 22, 2017, the parties stipulated  
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1 to allow the defendant until June 19, 2017 to file a responsive pleading (Doc. 6); this has not  
2 occurred. Therefore, the Court **ORDERS**,

3 1. **No later than July 21, 2017**, the plaintiffs **SHALL** show cause why sanctions should  
4 not be imposed for the failure to serve and file proofs of service on the defendants. Alternatively, the  
5 plaintiff may file proofs of service;

6 2. Due the failure of the defendant to appear and the lack of proof of service which would  
7 prevent entry of default, the scheduling conference, currently set on June 26, 2017 is **CONTINUED** to  
8 **August 21, 2017** at 8:30 a.m.

9 **Plaintiff is reminded of the service obligations under Fed. R. Civ. P. 4. Failure to comply**  
10 **may result in the imposition of sanctions, including the dismissal of unserved defendants.**

11  
12 IT IS SO ORDERED.

13 Dated: **July 13, 2017**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE