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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
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10 SU JUNG SHIN and HYUN JU SHIN,

11 Plaintiffs,

12 v.

13 ROBERT YOUNG YOON, et al.,

14 Defendants.

CASE NO. 1:17-CV-01371-AWI-SKO

**ORDER TO CLOSE CASE**

15 BOB YOUNG YOON,

16 Counter-Claimants,

17 v.

18 HYUN JU SHIN,

19 Counter-Defendants.  
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24 This case was brought in 2018 by Su Jung Shin and Hyun Ju Shin (“Plaintiffs”) against  
25 multiple defendants, including Robert (“Bob”) Young Yoon, Kyoung Mee Yoon, Kyoung Sup  
26 Yoon, Y&Y Property Management, Inc., The Victus Group, Inc., Blackstone Seattle, LLC, and  
27 Yoon & Yoon Investments, LLC (together, “Defendants”). Doc. No. 1. In 2019, Bob Young Yoon  
28 brought counterclaims against Plaintiffs. Doc. Nos. 45-47.

1 On March 4, 2021, Plaintiffs filed Judicial Council of California Form EJ-100, which is  
2 entitled “Acknowledgement of Satisfaction of Judgment.” Doc. No. 90. It appears that this filing  
3 may have been intended to convey that the stipulated judgment that was ordered by the Court on  
4 September 10, 2019, see Doc. No. 56, had been satisfied. The form in question, however, is for  
5 use in California state court and the Court cannot determine—beyond mere surmise—what  
6 outcome Plaintiffs intended to effect by filing it, without explanation, in this federal forum.  
7 Moreover, the stipulated judgment to which the form apparently relates does not purport to resolve  
8 claims against all Defendants and may not resolve all counterclaims. See Doc. Nos. 56 & 57.

9 In any event, there has been no docketed activity in this case of any kind since the form  
10 was filed on March 4, 2021. See Doc. No. 90.

11 On March 7, 2023, the Court issued an order directing any party wishing to continue this  
12 case to show cause in writing within 10 calendar days of the date of electronic service of the order  
13 why the Court should not close this case for failure to prosecute. Doc. No. 91. That order  
14 expressly stated that if the required showing were not made, this case would be closed without  
15 further notice to the parties. Id. No filings have been made in response to the order and the  
16 deadline for such filings passed last week.

17 To determine whether to dismiss an action for failure to prosecute, the Court must consider  
18 several factors, including: “(1) the public’s interest in expeditious resolution of litigation; (2) the  
19 court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
20 favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.”  
21 Henderson v. Duncan, 779 F.2d 1421, 1423-24 (9th Cir. 1986) (affirming dismissal with prejudice  
22 for lack of prosecution).

23 None of these factors favors continuing this litigation. This action has been completely  
24 dormant—cluttering the Court’s docket—for two years. It appears Plaintiffs have secured  
25 compensation they deem satisfactory and, in effect, resolved all their claims. And the fact that  
26 none of the parties responded in any fashion to the Court’s March 7, 2023 order to show cause  
27 precludes a finding that any of the Defendants—or Counter-Claimants—would be prejudiced by  
28 dismissal.

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The Clerk of Court is therefore respectfully DIRECTED to CLOSE this case for failure to prosecute.

IT IS SO ORDERED.

Dated: March 22, 2023

  
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SENIOR DISTRICT JUDGE