

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COUNTRY FRESH BATTER, INC.,
Plaintiff,
v.
LION RAISINS, INC.,
Defendant.

Case No. 1:17-cv-01527-DAD-BAM
ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILURE TO OBEY A COURT ORDER
(Doc. Nos. 79, 81)

FOURTEEN (14) DAY DEADLINE

On September 4, 2019, the parties reached a settlement of this action following a Settlement Conference before Magistrate Judge Sheila K. Oberto. (Doc. No. 79.) The parties were ordered to file a notice of settlement pursuant to Local Rule 160 within two (2) days and to file dismissal documents within sixty (60) days. (*Id.*) On September 6, 2019, Plaintiff Country Fresh Batter, Inc. filed a notice of settlement of this action. (Doc. No. 80.) On September 9, 2019, the Court ordered the parties, no later than November 4, 2019, to file appropriate papers to dismiss or conclude this action in its entirety. (Doc. No. 81.) To date, the parties have not filed any dispositional documents or otherwise responded to the Court’s orders.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Furthermore, “[a] failure to file

1 dispositional papers on the date prescribed by the Court may be grounds for sanctions.” L.R.
2 160(b). The Court has the inherent power to control its docket and may, in the exercise of that
3 power, impose sanctions where appropriate, including dismissal of the action. *Bautista v. Los*
4 *Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000).

5 Accordingly, the parties are HEREBY ORDERED to SHOW CAUSE in writing within
6 **fourteen (14) days** of the date of entry of this order why sanctions should not be imposed against
7 them for failure to file dispositive documents. The parties may also comply with this order by
8 filing the required dispositional documents.

9 **Failure to respond to this order to show cause may result in the imposition of**
10 **sanctions, including a recommendation that this action be dismissed for failure to comply**
11 **with court orders.**

12 IT IS SO ORDERED.

13 Dated: March 9, 2020

14 /s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28