## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

| VERTICAL TANK, INC., | ) Case No.: 1:18-cv-0145 LJO JLT                                       |
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| Plaintiff,           | ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED FOR FAILURE TO |
| V.                   | COMPLY WITH THE COURT'S ORDER  |
| BAKERCORP,           |  |
| Defendants.          |  |
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On September 4, 2019, the Court held a settlement conference, at which the parties were able to resolve the matter. (*See* Doc. 556, 58) Thereafter, the Court ordered the parties to file a stipulation to dismiss the action no later than November 29, 2019. (Doc. 58 at 2) The Court advised the parties that their failure to comply with the order may result in the imposition of sanctions, including dismissal of the action. (*Id.*) However, the parties failed to comply with or otherwise respond to the Court's order.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court." Local Rule 110. "District courts have inherent power to control their dockets," and in exercising that power, a court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may impose terminating sanctions, based on a party's failure to prosecute it or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963

F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (terminating sanctions for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

Accordingly, the parties are **ORDERED** to show cause within 14 why <u>terminating and/or</u> <u>monetary sanctions</u> should not be imposed for their failure to comply with the Court's order, or in the alternative, to file a stipulated request for dismissal.

IT IS SO ORDERED.

Dated: December 4, 2019 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE