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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
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8 SU JUNG SHIN and HYUN JU SHIN,

9 Plaintiffs,

10 v.

11 ROBERT YOUNG YOON, et al.,

12 Defendants.

CASE NO. 1:18-CV-00381-AWI-SKO

ORDER TO CLOSE CASE

13 BOB YOUNG YOON,

14 Counter-Claimants,

15 v.

16 HYUN JU SHIN,

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

1 Yoon, Y&Y Property Management, Kyoung Mee Yoon and Kyoung Sup Yoon brought
2 counterclaims against Plaintiffs. Doc. Nos. 45 & 46.

3 On March 4, 2021, Plaintiffs filed Judicial Council of California Form EJ-100, which is
4 entitled “Acknowledgement of Satisfaction of Judgment.” Doc. No. 89. It appears that this filing
5 may have been intended to convey that the stipulated judgment that was ordered by the Court on
6 September 10, 2019, see Doc. No. 59, had been satisfied. The form in question, however, is for
7 use in California state court and the Court cannot determine—beyond mere surmise—what
8 outcome Plaintiffs intended to effect by filing it, without explanation, in this federal forum.
9 Moreover, the stipulated judgment to which the form apparently relates does not purport to resolve
10 claims against all Defendants and may not resolve all counterclaims. See Doc. Nos. 56 & 57.

11 In any event, there has been no docketed activity in this case of any kind since the form
12 was filed on March 4, 2021. See Doc. No. 89.

13 On March 7, 2023, the Court issued an order directing any party wishing to continue this
14 case to show cause in writing within 10 calendar days of the date of electronic service of the order
15 why the Court should not close this case for failure to prosecute. Doc. No. 90. That order
16 expressly stated that if the required showing were not made, this case would be closed without
17 further notice to the parties. Id. No filings have been made in response to the order and the
18 deadline for such filings passed last week.

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

25 None of these factors favors continuing this litigation. This action has been completely
26 dormant—cluttering the Court’s docket—for more than two years. It appears Plaintiffs have
27 secured compensation they deem satisfactory and, in effect, resolved all their claims. And the fact
28 that none of the parties responded in any fashion to the Court’s March 7, 2023 order to show cause

1 precludes a finding that any of the Defendants—or Counter-Claimants—would be prejudiced by
2 dismissal.

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

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6 IT IS SO ORDERED.

7 Dated: March 22, 2023



8 SENIOR DISTRICT JUDGE

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