

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRITTNEY DENISE WALKER,  
Plaintiff,  
v.  
AETNA HEALTH AND LIFE  
INSURANCE COMPANY, *et al.*  
Defendants.

Case No. 1:21-cv-00156-AWI-BAM

ORDER TO SHOW CAUSE WHY  
SANCTIONS SHOULD NOT BE IMPOSED  
FOR PLAINTIFF'S AND DEFENDANTS'  
COUNSEL'S FAILURE TO APPEAR

**TEN (10) DAY DEADLINE**

On December 29, 2020, Brittney Denis Walker (“Plaintiff”) filed this complaint in Fresno Superior Court. (Doc. No. 1.) On February 5, 2021, Defendants Aetna Resources, LLC, Aetna Health and Life Insurance Company, Aetna, Inc., and CVS Pharmacy, Inc., removed the action to this Court. (*Id.*) On February 8, 2021, an initial scheduling conference was set for April 27, 2021. (Doc. No. 7.) Due to the status of the case, the initial scheduling conference was continued several times until July 1, 2021. (Doc. Nos. 11, 21.) On July 1, 2021, the Court held a scheduling conference, however, after the Court identified several named parties that had not been served the Court set a status conference for August 31, 2021 to allow the parties time to discuss proper parties and effectuate service. (Doc. No. 25.) On August 30, 2021, the status conference was continued to November 2, 2021. (Doc. No. 33.) On October 20, 2021, the status conference was again continued to November 16, 2021 at 9:00 am. (Doc. No. 34.)

On November 16, 2021, the Court initiated the Zoom video conference platform.

1 Plaintiff's Counsel Nicol Hajjar did not appear. Defendants' Counsel Daniel Fears or Andrew  
2 Haeffele did not appear. The Court remained on the Zoom video conference until approximately  
3 9:10 am. The Court also contacted the law firms of both Plaintiff and Defendants' counsel and  
4 was sent to voicemail at both firms.

5 Pursuant to Local Rule 110, “[f]ailure of counsel or of a party to comply with . . . any  
6 order of the Court may be grounds for the imposition by the Court of any and all sanctions . . .  
7 within the inherent power of the Court.” L.R. 110. The Court has the inherent power to control its  
8 docket and may, in the exercise of that power, impose sanctions where appropriate, including  
9 dismissal of the action. *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000).

10 Accordingly, Plaintiff's Counsel Nicol Hajjar and Defendant's Counsel Daniel Fears and  
11 Andrew Haeffele are hereby ORDERED TO SHOW CAUSE in writing within **ten (10) days** of  
12 the date of service of this order why sanctions should not be imposed against them for their  
13 failure to appear at the November 16, 2021 status conference.

14 **Failure to respond to this order will result in the imposition of sanctions, including**  
15 **dismissal of this action for failure to comply with court orders.**

16 IT IS SO ORDERED.  
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18 Dated: November 16, 2021

19 /s/ *Barbara A. McAuliffe*  
20 UNITED STATES MAGISTRATE JUDGE  
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