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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ASHLEY ANN AMERSON,  
Plaintiff,  
v.  
AMAZON.COM SERVICES, LLC,  
Defendant.

Case No. 1:24-cv-00100-JLT-CDB  
ORDER DISCHARGING APRIL 18, 2024,  
ORDER TO SHOW AND RESETTING  
SCHEDULING CONFERENCE  
(Doc. 9)

On December 7, 2023, Plaintiff Ashley Ann Amerson (“Plaintiff”) filed a complaint against Defendant Amazon.com, Services, LLC. (“Defendant”) in Kern County Superior Court. (Doc. 1). On January 22, 2024, Defendant removed the action to this Court. *Id.*

On April 18, 2024, the Court convened for a scheduling conference via Zoom. (Doc. 8). Counsel for Plaintiff failed to appear at the scheduling conference and was unresponsive to the efforts of the undersigned’s courtroom deputy clerk to inquire via email about Counsel’s absence. The Court ordered Plaintiff to show cause in writing within three days why she should not be sanctioned for failing to appear at the scheduling conference. (Doc. 9). The Court also ordered Plaintiff by that same deadline to coordinate with Defendant and file a joint report identifying dates for a re-set scheduling conference. *Id.*

Thereafter, Counsel for Plaintiff filed a declaration in response to the Court’s order to show cause. (Doc. 10). Counsel for Plaintiff attests he mis-calendared the scheduling conference. *Id.*

1 at 2. On April 22, 2024, the parties filed a joint status report and provided mutually available  
2 dates for a reset scheduling conference. (Doc. 11).

3 To determine whether neglect is excusable, a court must consider four factors: “(1) the  
4 danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on  
5 the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith.” *In*  
6 *re Veritas Software Corp. Sec. Litig.*, 496 F.3d 962, 973 (9th Cir. 2007). Based on its evaluation  
7 of the factors in this case, the Court finds Counsel for Plaintiff’s representations and timely  
8 response demonstrate that the failure to follow the Court’s orders constituted excusable neglect.  
9 Moreover, the parties have followed the Court’s order and provided mutually available dates for  
10 a reset scheduling conference. Accordingly, IT IS HEREBY ORDERED:

- 11 1. The April 18, 2024, order to show cause is DISCHARGED; and
- 12 2. An initial scheduling conference is set for May 1, 2024, at 9:00 AM, in Bakersfield  
13 (CDB) before Magistrate Judge Christopher D. Baker. The parties shall file a  
14 renewed joint scheduling report at least three (3) days before the scheduling  
15 conference.

16 IT IS SO ORDERED.

17 Dated: April 22, 2024

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20 UNITED STATES MAGISTRATE JUDGE  
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