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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN C. PEHLE,

Plaintiff,

No. CIV S-06-1889 MCE EFB

vs.

RONALD DAVID DUFOUR;  
DUFOUR ENTERPRISES, INC.,

Defendants.

ORDER TO SHOW CAUSE

On November 18, 2010, the district judge in this action issued a minute order referring the matter to the undersigned for a two day bench trial to be held within ninety days. Dckt. No. 46. The minute order also provided that a final pretrial order shall be issued by the undersigned and scheduled a hearing on defendants' counsel's motion to withdraw as counsel for hearing before the district judge on January 13, 2011. *Id.* Therefore, on November 23, 2010, the undersigned issued an order directing the parties to meet and confer and to file, on or before December 8, 2010, a joint status report addressing various scheduling matters. Dckt. No. 47.

On December 8, 2010, the parties filed a joint status report and requested that the court defer the parties' required completion of the status report until after the district judge ruled on defendants' counsel's motion to withdraw as counsel for defendants, which was noticed for hearing on January 13, 2011 and which was taken under submission by the district judge on January 11, 2011. Dckt. Nos. 34, 46, 49. Accordingly, on January 19, 2011, the undersigned

1 issued an order directing the parties to meet and confer and to file a further status report within  
2 fourteen days of the filing of any order regarding defendants' counsel's motion to withdraw.  
3 Dckt. No. 50.

4 The district judge issued an order granting the motion to withdraw on January 26, 2011,  
5 leaving defendants without counsel. Dckt. No. 51. Thereafter, on February 9, 2011, plaintiff  
6 filed a status report, as ordered, indicating that plaintiff's attempts to contact defendants had  
7 been unsuccessful, and therefore requested an extension of time to file a status report. Dckt. No.  
8 52. In light of plaintiff's representations, on March 18, 2011, the undersigned issued a minute  
9 order granting plaintiff's request for an extension and instructing the parties to file, on or before  
10 April 4, 2011, a status report addressing the matters set forth in the November 23, 2010 order, as  
11 well as how the parties intend to proceed now that defendant DuFour Enterprises, Inc. is without  
12 counsel. Dckt. No. 53.

13 On April 4, 2011, plaintiff filed a status report as ordered. Dckt. No. 54. However,  
14 defendants have not filed a status report and have not adequately met and conferred with  
15 plaintiff, as required by the January 19 and March 18 orders. *See* Dckt. Nos. 50, 53, 54.  
16 Additionally, it appears from the docket that defendants have not kept the court (or plaintiff)  
17 apprised of their current address, as required by Eastern District of California Local Rules 182(f)  
18 and 183(b), since the last several orders issued by this court have been returned as undeliverable.  
19 Further, as noted in plaintiff's April 4, 2011 status report and as reflected on the docket, it  
20 appears defendant DuFour Enterprises, Inc. has not obtained replacement counsel. Defendant  
21 DuFour Enterprises, Inc. is admonished that it may not appear without counsel. *See* E.D. Cal.  
22 L.R. 183(a) ("A corporation or other entity may appear only by an attorney.").

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. On or before May 2, 2011, defendants shall provide the court and plaintiff with an  
25 updated address and telephone number, and shall provide plaintiff with an updated email  
26 address.

1           2. On or before June 3, 2011, defendant DuFour Enterprises, Inc. shall obtain counsel  
2 and notify the court that counsel has been obtained.

3           3. On or before June 10, 2011, defendants shall show cause, in writing, why their answer  
4 should not be stricken and default be entered against them in light of their failures to comply  
5 with this court's orders and Local Rules.

6           4. Also, on or before June 10, 2011, defendants shall file a status report addressing the  
7 matters set forth in the November 23, 2010 order.

8           5. If plaintiff elects to file a response to any status report filed by defendants, such  
9 response shall be filed on or before June 17, 2011.

10          6. Defendants' failure to comply with any portion of this order may result in the  
11 imposition of sanctions, including the striking of defendants' answer and entry of default against  
12 them.

13 DATED: April 12, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE