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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SCOTT N. JOHNSON, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ZAHRA VAZIRI, d/b/a MYSTIQUE SALON )  
& SPA; STEVE SHIN-DER LEE; )  
PUANG JIUAN-JIUAN LEE, )  
 )  
Defendants. )  
\_\_\_\_\_ )

2:07-cv-02229-GEB-EFB  
ORDER TO SHOW CAUSE  
AND CONTINUING STATUS  
(PRETRIAL SCHEDULING)  
CONFERENCE

The October 19, 2007, Order Setting Status (Pretrial Scheduling) Conference ("October 19 Order") scheduled a status conference in this case for February 4, 2008, and required the parties to file a joint status report no later than fourteen days prior to the status conference. The Order further required that a status report be

1 filed regardless of whether a joint report could be procured.<sup>1</sup> No  
2 status report was filed.

3 Plaintiff is Ordered to Show Cause (OSC) in a writing to be  
4 filed no later than 4:00 p.m. on March 17, 2008, why sanctions should  
5 not be imposed against him and/or his counsel under Rule 16(f) of the  
6 Federal Rules of Civil Procedure for his failure to file a timely  
7 status report.

8 Plaintiff's written response shall also explain whether  
9 Plaintiff has served Defendant with a copy of the October 19 Order.<sup>2</sup>  
10 If Plaintiff has not yet served Defendant with a copy of the October  
11 19 Order, Plaintiff shall also show cause why he and/or his counsel  
12 should not be sanctioned for failure to timely serve Defendant with a  
13 copy of the Order.

14 The written response shall also state whether Plaintiff or  
15 his counsel is at fault, and whether a hearing is requested on the  
16 OSC.<sup>3</sup> If a hearing is requested, it will be held on March 31, 2008,  
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18 <sup>1</sup> As the Order states:

19 The failure of one or more of the parties to  
20 participate in the preparation of the Joint  
21 Status Report does not excuse the other  
22 parties from their obligation to timely file  
23 a status report in accordance with this  
24 Order. In the event a party fails to  
25 participate as ordered, the party timely  
26 submitting the status report shall include a  
27 declaration explaining why it was unable to  
28 obtain the cooperation of the other party or  
parties.

October 19 Order at 2 n.1

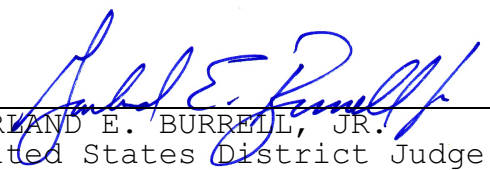
26 <sup>2</sup> As prescribed in the October 19 Order, Plaintiff was  
27 required to serve Defendant with a copy of the October 19 Order  
28 "[c]oncurrently with the service of process, or as soon  
thereafter as possible . . . ." October 19 Order at 1.

<sup>3</sup> "If the fault lies with the attorney, that is where the  
impact of sanction should be lodged. If the fault lies with the  
(continued...)

1 at 9:00 a.m., just prior to the status conference, which is  
2 rescheduled to that date. In accordance with the requirements set  
3 forth in the October 19 Order, a status report shall be filed no later  
4 than 14 days prior to the status conference.

5 IT IS SO ORDERED.

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7 Dated: January 31, 2008

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11 GARLAND E. BURRELL, JR.  
12 United States District Judge  
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27 \_\_\_\_\_  
28 <sup>3</sup>(...continued)  
clients, that is where the impact of the sanction should be  
lodged." Matter of Sanction of Baker, 744 F.2d 1438, 1442 (10th  
Cir. 1984), cert. denied, 471 U.S. 1014 (1985). Sometimes the  
faults of attorneys, and their consequences, are visited upon  
clients. In re Hill, 775 F.2d 1385, 1387 (9th Cir. 1985).