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

BERLIN LILLARD)	
)	02:08-cv-719-GEB-EFB
Plaintiff,)	
)	<u>ORDER TO SHOW CAUSE</u>
v.)	<u>AND CONTINUING FINAL</u>
)	<u>PRETRIAL CONFERENCE</u>
STARBUCKS CORPORATION, a)	
Washington Corporation doing)	
business in California,)	
)	
Defendant.)	
_____)	

The Order filed July 11, 2008 scheduled a final pretrial conference in this case on September 8, 2009. The July 11 2008 Order required the parties to file a joint final pretrial statement "not later than seven (7) days prior to the final pretrial conference." (July 11 Order at 4.) On January 23, 2009 the Court issued an Order rescheduling final pretrial conference to November 2, 2009, at 2:30 p.m; the time for filing a final pretrial statement was not changed.

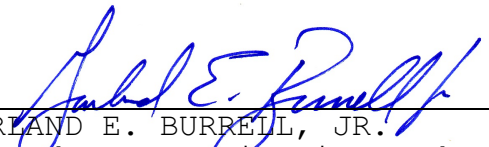
Defendants' counsel filed a pretrial statement and a Declaration on October 26, 2009. Defendants' counsel explained in the declaration that he filed a separate pretrial statement, rather than a required joint pretrial statement, because he could not locate Plaintiff, even though he left telephone messages and sent a letter to Plaintiff's address listed in the Court's records. Plaintiff has not

1 filed a pretrial statement. Due to Plaintiff's failure to file a
2 pretrial statement as ordered, the final pretrial conference is
3 rescheduled to commence at 1:30 p.m. on November 9, 2009 in courtroom
4 10.

5 Plaintiff is ORDERED TO SHOW CAUSE (OSC), in a writing to be
6 filed no later than 4:00 p.m., on November 2, 2009, why sanctions
7 should not be imposed against him under Rule 16(f) of the Federal
8 Rules of Civil Procedure for failure to file a timely a final pretrial
9 statement. Plaintiff is warned that failure to respond to this order
10 could be construed as Plaintiff's abandonment if this case, and this
11 case could be dismissed. Plaintiff shall also state in the written
12 response to the OSC whether a hearing is requested on the OSC. If a
13 hearing is requested, it will be held at the time of the final
14 pretrial conference.

15 IT IS SO ORDERED.

16 Dated: October 27, 2009

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19 _____
20 GARLAND E. BURRELL, JR.
21 United States District Judge
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