

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CONNIE ARNOLD,

Plaintiff,

v.

MARRIOTT INTERNATIONAL, INC., d/b/a)  
FAIRFIELD INN MARRIOTT - VISALIA; )  
W2005/FARGO HOTELS (POOL C) REALTY, )  
L.P., )

Defendants. )

2:08-cv-03113-GEB-JFM

ORDER TO SHOW CAUSE  
AND CONTINUING STATUS  
(PRETRIAL SCHEDULING)  
FED. R. CIV. P. 4(m)  
NOTICE

The December 22, 2008, Order Setting Status (Pretrial Scheduling) Conference ("Order") scheduled a status conference in this case for April 13, 2009, 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 filed regardless of whether a joint report could be procured. No status report was filed.

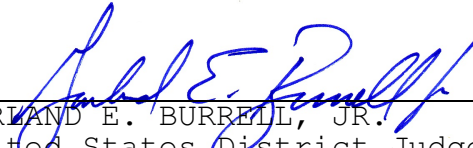
Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on April 28, 2009, why sanctions should not be imposed against her and/or her counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report. The written response shall also state whether Plaintiff or his counsel is at fault, and whether a hearing is

1 requested on the OSC.<sup>1</sup> If a hearing is requested, it will be held on  
2 May 11, 2009, at 9:00 a.m., just prior to the status conference, which  
3 is rescheduled to that date and time. In accordance with the  
4 requirements set forth in the Order, a status report shall be filed  
5 no later than fourteen days prior to the status conference.

6 Further, if service of process has not been completed on or  
7 before April 21, 2009, Plaintiff shall show cause in a filing by April  
8 22, 2009, why this action should not be dismissed for failure to serve  
9 any then unserved Defendant within Rule 4(m)'s 120-day time service  
10 period.

11 IT IS SO ORDERED.

12 Dated: April 7, 2009

13  
14   
15 GARLAND E. BURRELL, JR.  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25

---

26  
27 <sup>1</sup> "If the fault lies with the attorney, that is where the  
28 impact of sanction should be lodged. If the fault lies with the  
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).