

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAIVIA KIRKWOOD,)	
)	2:08-cv-03178-GEB-GGH
Plaintiff,)	
)	<u>ORDER TO SHOW CAUSE</u>
v.)	<u>AND CONTINUING STATUS</u>
)	<u>(PRETRIAL SCHEDULING)</u>
T.D. SERVICE COMPANY,)	
)	
Defendant.)	
_____)	

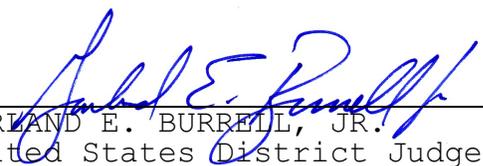
The December 31, 2008, Order Setting Status (Pretrial Scheduling) Conference ("Order") scheduled a status conference in this case for April 13, 2009, and required the parties to file a joint status report no later than fourteen days prior to the status conference. The Order further required that a status 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

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

7 IT IS SO ORDERED.

8 Dated: April 8, 2009

9
10 
11 GARLAND E. BURRELL, JR.
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25

26
27 ¹ "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).