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7                    UNITED STATES DISTRICT COURT

8                    EASTERN DISTRICT OF CALIFORNIA

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10  DAWN ALLGAIER,                      )
                                        )    2:09-cv-01126-GEB-DAD
11                   Plaintiff,         )
                                        )    ORDER TO SHOW CAUSE
12       v.                             )    AND CONTINUING STATUS
                                        )    (PRETRIAL SCHEDULING)
13  AUTOVILLE OF ROSEVILLE,             )    CONFERENCE
                                        )
14                   Defendant.         )
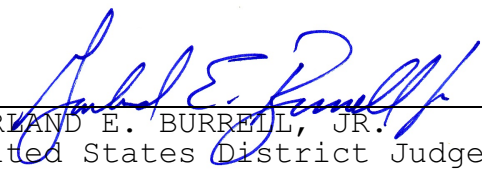                                        )
    _____)

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16          An Order Setting Status (Pretrial Scheduling) Conference was

17  filed April 24, 2009, ("April 24 Order") in which a status conference

18  was scheduled in this case on July 27, 2009, and a joint status report

19  was required to be filed no later than fourteen days prior to the

20  status conference.  The Order further required a status report be

21  filed regardless of whether a joint report could be procured.  No

22  status report was filed.

23          Therefore, Plaintiff is Ordered to Show Cause ("OSC") in a

24  writing to be filed no later than 4:00 p.m. on August 10, 2009, why

25  sanctions should not be imposed against her and/or her counsel under

26  Rule 16(f) of the Federal Rules of Civil Procedure for failure to file

27  a timely status report.  Plaintiff shall also state in the written

28  response whether Plaintiff or her counsel is at fault, and whether a

                                   1

1  hearing is requested on the OSC.[1]  If a hearing is requested, it will

2  be held on August 24, 2009, at 9:00 a.m., just prior to the status

3  conference, which is rescheduled to that date.  In accordance with the

4  requirements set forth in the April 24 Order, a status report shall be

5  filed no later than fourteen days prior to the status conference.

6          IT IS SO ORDERED.

7  Dated:  July 17, 2009

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9  _____
   GARLAND E. BURRELL, JR.

10  United States District Judge

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[1]     "If the fault lies with the attorney, that is where the 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).