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

THOMAS WURTZBERGER, an individual,	)	2:09-cv-01718-GEB-DAD
	)	
Plaintiff,	)	<u>ORDER TO SHOW CAUSE</u>
	)	<u>AND CONTINUING STATUS</u>
v.	)	<u>(PRETRIAL SCHEDULNG)</u>
	)	<u>CONFERENCE</u>
RESMAE MORTGAGE CORPORATION;	)	
AMERICA'S SERVICING COMPANY;	)	
MORTGAGE ELECTRONIC REGISTRATION	)	
SYSTEMS, INC.; HSBC BANK USA, as	)	
Trustee for Ace Securities Corp.	)	
Home Equity Loan Trust Series 2007-	)	
HE3; NDEX WEST, LLC, and Does 1 -	)	
10,	)	
	)	
Defendants.	)	
	)	

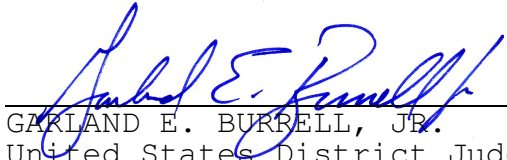
The June 22, 2009, Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case for September 21, 2009, and required the parties to file a joint status report no later than fourteen days prior to the scheduling conference. The Order further required that a status report be filed regardless of whether a joint report could be procured. No status report was filed as ordered.

Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on October 5, 2009, why sanctions should not be imposed against him and/or his counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report. The written response shall

1 also state whether Plaintiff or his counsel is at fault, and  
2 whether a hearing is requested on the OSC.<sup>1</sup> If a hearing is  
3 requested, it will be held on October 19, 2009, at 9:00 a.m., just  
4 prior to the status conference, which is rescheduled to that date.  
5 A status report shall be filed no later than fourteen days prior to  
6 the status conference.

7 IT IS SO ORDERED.

8 Dated: September 15, 2009

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12 GARLAND E. BURRELL, JR.  
13 United States District Judge  
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25 \_\_\_\_\_  
26 <sup>1</sup> "If the fault lies with the attorney, that is where the impact  
27 of sanction should be lodged. If the fault lies with the clients, that  
28 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).