

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

PATRICIA L. COLLINS,

Plaintiff,

No. CIV S-09-1816 FCD EFB PS

VS.

CHESAPEAKE COMMONS HOLDINGS, LLC; SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY; and DOES 1-20,

Defendants.

ORDER AND
ORDER TO SHOW CAUSE

This case is before the undersigned pursuant to Eastern District of California Local Rule 21. See 28 U.S.C. § 636(b)(1). On October 19, 2009, the undersigned granted plaintiff's motion to proceed *in forma pauperis* in this action, ordered that service of process be made by U.S. Marshal, and directed the Clerk of Court to send plaintiff the necessary forms for service and return to the Marshal. Dckt. No. 3. Plaintiff submitted the requisite forms to the Marshal on November 2, 2009, and on December 14, 2009, the Marshal mailed defendants the forms of service of process (which were due back to the Marshal on or before February 14, 2010). Dckt. Nos. 7, 11.

25 Because defendants had not yet appeared in the action, on January 22, 2010, the
26 undersigned continued the status (pretrial scheduling) conference to April 14, 2010. Dckt. No. 7.

1 On March 30, 2010, plaintiff and defendant Sacramento Housing and Redevelopment Agency
2 filed a joint status report, as required by the court's October 19, 2009 and January 22, 2010
3 orders, indicating that defendant Chesapeake Commons Holdings LLC had not yet been served.
4 Dckt. No. 12.

5 Upon inquiry by the undersigned's staff, on April 8, 2010, the U.S. Marshal contacted
6 defendant Chesapeake Commons Holdings regarding the status of the waiver of service process.
7 A manager at Chesapeake Commons Holdings indicated that the company had not received the
8 waiver of service of process. Thereafter, the U.S. Marshal re-sent the waiver to Chesapeake
9 Commons Holdings, and communications between the U.S. Marshal and the manager from
10 Chesapeake Commons Holdings on April 8, 2010 revealed that service of process on
11 Chesapeake Commons Holdings would be completed shortly. On April 14, 2010, the U.S.
12 Marshal filed an executed summons indicating that Gabrielle Overton, a manager at Chesapeake
13 Commons Holdings, was personally served on April 12, 2010. Dckt. No. 15.

14 On April 9, 2010, although plaintiff and defendant Sacramento Housing and
15 Redevelopment Agency had already prepared and filed a joint status report, because defendant
16 Chesapeake Commons Holdings was not able to participate in the preparation of that report, the
17 undersigned continued the status (pretrial scheduling) conference to July 7, 2010 at 10:00 a.m.
18 The parties were directed to file a further joint status report no later than fourteen days before the
19 conference (by June 23, 2010) in accordance with the requirements set forth in the October 19,
20 2009 order. *See* Dckt. No. 5.

21 The docket reveals that although plaintiff filed a status report on June 24, 2010, Dckt.
22 No. 16, defendant Sacramento Housing and Redevelopment Agency did not join in that status
23 report and has not filed its own status report. Accordingly, the status (pretrial scheduling)
24 conference will once again be continued, defendant will be once again ordered to file a status
25 report, and defendant will also be ordered to show cause why it should not be sanctioned for its
26 failure to comply with the April 9, 2010 order. E.D. Cal. L.R. 110 ("Failure of counsel or of a

1 party to comply with these Rules or with any order of the Court may be grounds for imposition
2 by the Court of any and all sanctions authorized by statute or Rule or within the inherent power
3 of the Court.”).

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The July 7, 2010 Status Conference is continued to August 25, 2010 at 10:00 a.m. in
6 Courtroom No. 24.

7 2. On or before August 11, 2010, defendant Sacramento Housing and Redevelopment
8 Agency shall file a status report addressing the issues raised in the October 19, 2009 order, Dckt.
9 No. 5 at 3-5.

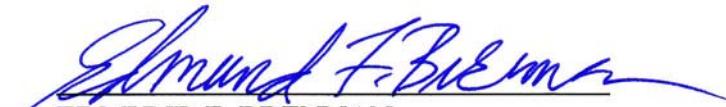
10 3. Also on or before July 7, 2010, defendant shall show cause, in writing, why sanctions
11 should not be imposed for its failure to comply with the April 9, 2010 order.

12 4. Plaintiff is not required to file a further status report or a response to defendant’s
13 status report, but if she elects to do so, any such status report or response to defendant’s status
14 report shall be filed on or before August 18, 2010.

15 5. Failure of defendant Sacramento Housing and Redevelopment Agency to comply with
16 this order may result in the imposition of sanctions, including a recommendation for entry of
17 default against defendant.

18 6. The Clerk of Court is directed to mail a copy of this order to Chesapeake Commons
19 Holding LLC at 3600 Data Drive, Rancho Cordova, California 95670.

20 DATED: July 1, 2010.

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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