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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERNEST ALTMANN,)	
)	2:09-cv-02361-GEB-GGH
Plaintiff,)	
)	<u>ORDER CONTINUING STATUS</u>
v.)	<u>(PRETRIAL SCHEDULING)</u>
)	<u>CONFERENCE and FED. R. CIV.</u>
INDYMAC FEDERAL BANK; GREEN TREE)	<u>P. 4(m) NOTICE</u>
SERVICING, LLC; NATIONAL CITY)	
MORTGAGE A DIVISION OF NATIONAL)	
CITY BANK; FIRST BANK DBA FIRST)	
BANK MORTGAGE; QUALITY LOAN SERVICE))	
CORP.; BANK OF AMERICA; MORTGAGE)	
ELECTRONIC REGISTRATION SYSTEMS,)	
INC.; REMIEN MORTGAGE FAMILY, INC.;)	
ROBERT REMIEN; GEORGE ROJAS and)	
DOES 1-20, inclusive,)	
)	
Defendants.)	

The parties' Joint Status Report filed on December 4, 2009 reveals this case is not ready to be scheduled. Therefore, the Status (Pretrial Scheduling) Conference ("status conference") set for December 14, 2009 is continued to February 1, 2010, at 9:00 a.m. A further joint status report shall be filed no later than fourteen (14) days prior to the status conference.¹

Plaintiff is **notified under Rule 4(m)** of the Federal

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¹ The failure of one or more of the parties to participate in the preparation of the Joint Status Report does not excuse the other parties from their obligation to timely file a status report in accordance with this Order. In the event a party fails to participate as ordered, the party timely submitting the status report shall include a declaration explaining why it was unable to obtain the cooperation of the other party or parties.


1 Rules of Civil Procedure ("Rule 4(m)") that **Defendants Remien**
2 **Mortgage Family, Inc. and Robert Remien could be dismissed as**
3 **defendants in this action under Rule 4(m) unless Plaintiff provides**
4 **proof of service and/or "shows good cause for the failure" to serve**
5 **these defendants within Rule 4(m)'s 120 day prescribed period, in a**
6 **filing due no later than 4:00 p.m. on December 23, 2009.**

7 Further, the Order filed in this action on August 25,
8 2009 required the parties to file a joint status report fourteen
9 (14) days prior to the status conference, regardless of whether a
10 joint status report could be procured. The parties failed to file
11 a timely status report as ordered.

12 The parties are warned that failure to meet a Rule 16
13 filing deadline could be sanctionable conduct. Should an Order to
14 Show Cause ("OSC") be issued in this case for such or other conduct
15 in the future, the parties' failure to file a timely status report
16 may also be subject of such an OSC. The parties are mistaken if
17 they believe that filing deadlines can be ignored with impunity
18 from being the subject of sanctioning jurisprudence.

19 IT IS SO ORDERED.

20 Dated: December 8, 2009

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GARLAND E. BURRELL, JR.
United States District Judge
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