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

IGNATIUS ANYANWU, et al.,

Plaintiffs,

No. CIV S-09-2493 GEB DAD PS

vs.

PROGRESSIVE FINANCIAL
SERVICES, INC. et al.,

ORDER SETTING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

Defendants.

_____ /

Plaintiffs are proceeding pro se with a claim filed in the Small Claims Division of the Sacramento County Superior Court on July 27, 2009. One of three defendants removed the action to this court on September 3, 2009.¹ The case has been assigned to United States District Judge Garland E. Burrell, Jr. and has been referred to the undersigned United States Magistrate Judge pursuant to Local Rule 72-302(c)(21) for all purposes encompassed by that provision.²

¹ The case was set for trial on September 14, 2009 in the Small Claims Division of the Sacramento County Superior Court. The notice of removal is silent regarding the status of service on defendant Lawyers Incorporation Service and defendant Michael Praunds.

² Information has been provided about consenting to proceed before the magistrate judge for all purposes, while preserving the right to appeal to the Ninth Circuit Court of Appeals, and an appropriate form has been provided. A party choosing to consent may complete the form and return it to the clerk at any time. Neither of the assigned judges will be notified of the filing of a consent form unless and until all parties to the action have filed consent forms.

1 Pursuant to the provisions of Rule 16 of the Federal Rules of Civil Procedure, IT
2 IS ORDERED that:

3 1. A Status (Pretrial Scheduling) Conference is set for **December 11, 2009, at**
4 **11:00 a.m.**, in Courtroom No. 27, before Magistrate Judge Dale A. Drozd.

5 2. Each party shall appear at the Status Conference either by counsel or, if
6 proceeding in propria persona, on his or her own behalf. A party proceeding in propria persona
7 may not represent any other party proceeding in propria persona. A party may appear at the
8 conference in person or telephonically. To arrange telephonic appearance, the party shall contact
9 Pete Buzo, the courtroom deputy of the undersigned magistrate judge, at (916) 930-4128 no later
10 than three days before the Status (Pretrial Scheduling) Conference.

11 3. Plaintiffs shall file and serve their status report on or before **November 30,**
12 **2009**, and defendants shall file and serve a status report on or before **December 4, 2009**. Each
13 status report shall address all of the following matters:

- 14 a. Progress of service of process;
- 15 b. Possible joinder of additional parties;
- 16 c. Possible amendment of the pleadings;
- 17 d. Jurisdiction and venue;
- 18 e. Anticipated motions and the scheduling thereof;
- 19 f. Anticipated discovery and the scheduling thereof,
20 including disclosure of expert witnesses;
- 21 g. Future proceedings, including the setting of
22 appropriate cut-off dates for discovery and for law
23 and motion, and the scheduling of a final pretrial
24 conference and trial;
- 25 h. Modification of standard pretrial procedures
26 specified by the rules due to the relative simplicity
or complexity of the action;
- i. Whether the case is related to any other case,
including matters in bankruptcy;

- 1 j. Whether the parties will stipulate to the magistrate
2 judge assigned to this matter acting as settlement
3 judge, waiving any disqualification by virtue of his
4 so acting, or whether they prefer to have a
5 Settlement Conference before another magistrate
6 judge;
7
8 k. Whether the parties intend to consent to proceed
9 before a United States Magistrate Judge; and
10
11 l. Any other matters that may aid in the just and
12 expeditious disposition of this action.

13 4. The pro se plaintiffs are informed that failure to file a timely status report or
14 failure to appear at the status conference in person or telephonically may result in a
15 recommendation that this case be dismissed for lack of prosecution and as a sanction for failure
16 to comply with court orders and applicable rules. See Local Rules 11-110 and 83-183.

17 5. Plaintiffs are advised that Rule 4(m) of the Federal Rules of Civil Procedure
18 provides that a defendant may be dismissed if service of process is not accomplished on the
19 defendant within 120 days from the date the complaint is filed. If plaintiffs have not yet served
20 defendant Lawyers Incorporation Service and defendant Michael Praunds, and plaintiffs intend to
21 proceed against these defendants, service should be effected immediately.

22 6. The defendant who removed this action from state court shall serve a copy of
23 this order upon all defendants subsequently appearing or subsequently joined and shall file and
24 serve a certificate reflecting such service.

25 DATED: October 6, 2009.

26


DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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