

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

WAYNE W. LEW,)
)
Plaintiff,)
)
v.)
)
LONG BEACH MORTGAGE, PRO)
CAPITAL MORTGAGE, CALIFORNIA)
RECONVEYANCE COMPANY, JP)
MORGAN CHASE and DOES 1)
through 100, inclusive,)
)
Defendants.)
_____)

02:09-cv-02921-GEB-KJN
ORDER TO SHOW CAUSE
AND CONTINUING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

The October 20, 2009, Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case for March 1, 2010, 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 March 8, 2010, why sanctions should not be imposed against him and/or his counsel under Rule

1 16(f) of the Federal Rules of Civil Procedure for failure to file a
2 timely status report. The written response shall also state
3 whether Plaintiff or his counsel is at fault, and whether a hearing
4 is requested on the OSC.¹ If a hearing is requested, it will be
5 held on March 29, 2010, at 9:00 a.m., just prior to the status
6 conference, which is rescheduled to that date and time. A status
7 report shall be filed no later than fourteen days prior to the
8 status conference.

9 IT IS SO ORDERED.

10 Dated: February 24, 2010

11
12 
13 _____
GARLAND E. BURRELL, JR.
United States District Judge

14
15
16
17
18
19
20
21
22
23
24
25 _____
26 ¹ "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).