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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK MUNNS, CHRISTA MUNNS,
Administrators for the
separate Estate of
JOSHUA MUNNS, DENNIS
DEBRABANDER, SHARON
DEBRABANDER, Administrators
for the separate Estate of
JOHN YOUNG and LORI SILVERI,
Administrator for the separate
Estate of JOHN COTE,

On behalf of themselves as
individuals and as taxpayers,

NO. CIV. S-10-681 LKK/KJM

Plaintiffs,

v.

O R D E R

HILLARY DIANE RODHAM CLINTON,
in her official capacity as
UNITED STATES SECRETARY OF
STATE; JENNIFER FOO, in her
official capacity,

Defendants.


_____ /

On May 27, 2010, this court ordered counsel for plaintiffs to
show cause why sanctions should not issue for counsel's failure to
file a status report prior to the scheduled May 24, 2010 status

1 (pretrial scheduling) conference. Court records indicate that the
2 court's March 22, 2010 order setting a status conference was
3 electronically served to plaintiffs' counsel at the following email
4 addresses: wpalmer@palmercorp.com, dculhane@dim.com,
5 achernyy@palmercorp.com. However, plaintiffs' counsel has declared
6 under penalty of perjury that he "did not receive any notice (mail
7 or email) of the May 24, 2010 hearing." Because defendants had not
8 yet been served, no defendants were prejudiced by plaintiff's
9 failure to file a status report. Plaintiffs' counsel is cautioned
10 that he is expected to monitor the docket in this case and to
11 ensure that his email program is functioning properly. Nonetheless,
12 plaintiffs' counsel's declaration under penalty of perjury
13 constitutes good cause. Thus, the court finds that no sanction is
14 appropriate.

15 IT IS SO ORDERED.

16 DATED: June 22, 2010.

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20 LAWRENCE K. KARLTON
21 SENIOR JUDGE
22 UNITED STATES DISTRICT COURT
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