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

ROBERT ATTEBERY,

Plaintiff,

No. CIV S-10-1341 MCE DAD

vs.

LOUIS UHL and JIM UHL dba  
SHERWOOD HARBOR & R.V. PARK,  
FENOCCHIO REVOCABLE TRUST, and  
DOES ONE through FIFTY, inclusive,

Defendants.

ORDER TO SHOW CAUSE

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This matter was before the undersigned on November 17, 2011, at 10:00 a.m. for a settlement conference. Anthony Diepenbrock, Esq., appeared on behalf of the defendants. In violation of the district judge’s scheduling order, plaintiff’s counsel, Jeffery Briggs, Esq., failed to appear and no appearance was made on behalf of plaintiff. Additionally, the parties were ordered to submit settlement statements not later than September 15, 2011, and to appear at the conference with “a principal capable of disposition or to be fully authorized to settle the matter on any terms . . . .” Pretrial Scheduling Order, Dckt. No. 13, at 10. Pursuant to that order, counsel for defendants submitted a settlement statement on November 10, 2011, and filed a notice of submission of that statement which was served electronically on plaintiff’s counsel.

1 However, in violation of the Pretrial Scheduling Order, plaintiff's counsel failed to submit a  
2 settlement statement. On November 16, 2011, the court's judicial assistant attempted to inquire  
3 as to the missing settlement statement by phoning plaintiff's counsel at the telephone number  
4 listed on the front of the complaint but received a recorded message stating that "the person you  
5 are trying to reach in not accepting calls at this time." In violation of Local Rule 182(f),  
6 plaintiff's counsel has not filed notice of a change of telephone number or otherwise kept the  
7 court informed of how to reach him. Plaintiff's counsel, Mr. Briggs, is in violation of the court's  
8 scheduling order and the local and federal rules.

9 Accordingly, Jeffery Briggs is hereby ordered to show cause in writing no later than  
10 November 28, 2011, why he should not be sanctioned for violation of the Pretrial Scheduling  
11 Order, and for violation of Rule 16(f)(1)(A) and (C) of the Federal Rules of Civil Procedure and  
12 Local Rules 110 & 182(f). Mr. Briggs shall state in his filing whether he requests a hearing on  
13 the matter.

14 Additionally, defendants' counsel shall submit to the court by close of business Monday,  
15 November 21, 2011, a declaration stating his hourly billing rate and the number of hours  
16 expended on behalf of defendants preparing for and attending the settlement conference which  
17 Mr. Briggs failed to attend. If Mr. Briggs fails to establish good cause for the violations noted  
18 above, he will be ordered to personally reimburse defendants' counsel for the fees expended.

19 DATED: November 17, 2011

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22 EDMUND F. BRENNAN  
23 UNITED STATES MAGISTRATE JUDGE  
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