

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

Marie Foster,)	
)	2:10-cv-02640-GEB-DAD
Plaintiff,)	
)	
v.)	<u>ORDER TO SHOW CAUSE AND</u>
)	<u>CONTINUING STATUS (PRETRIAL</u>
State of Hawaii Department of)	<u>SCHEDULING) ORDER</u>
Accounting and General Services;)	
Hawaii state Archives; Julie A.)	
Ugalde, Risk Management Officer,)	
)	
Defendants.)	
_____)	

An Order to Show Cause ("OSC") issued on February 22, 2011, directing Plaintiff to explain why sanctions should not be imposed against her and/or her counsel for failure to file a timely status report. (ECF No. 7.) Because of this failure, a previously scheduled status conference was continued to March 28, 2011, and Plaintiff was required to file a status report no later than fourteen (14) days prior to the rescheduled status conference. Id.

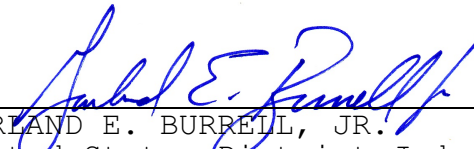
Plaintiff's counsel filed a response to the OSC, in which he declared that the failure to file a status report "was related to the fact that plaintiff has agreed to dismiss her complaint because her complaint cannot proceed due to jurisdictional problems." (ECF No. 8, ¶ 3.) Plaintiff's counsel also stated in his response to the OSC that "plaintiff will be filing dismissal papers within thirty days." Id. at ¶ 4. Therefore, the status conference was continued again, until May 23,

1 2011, at 9:00 a.m., in the event the action was not dismissed. (ECF No.
2 9.) The Order Continuing Status (Pretrial Scheduling) Conference
3 directed Plaintiff to file a status report no later than fourteen (14)
4 days prior to the Status Conference, in which she was required to
5 address the basis for jurisdiction. Id.

6 Plaintiff has not filed dismissal papers and did not file a
7 status report, as required. Therefore, Plaintiff is Ordered to Show
8 Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on May
9 27, 2011, why sanctions should not be imposed against her and/or her
10 counsel under Rule 16(f) of the Federal Rules of Civil Procedure for
11 failure to file a timely status report. The written response shall also
12 state whether Plaintiff or her counsel is at fault, and whether a
13 hearing is requested on the OSC.¹ If a hearing is requested, it will be
14 held on June 13, 2011, at 9:00 a.m., just prior to the status
15 conference, which is rescheduled to that date and time. A status report
16 shall be filed no later than fourteen (14) days prior to the status
17 conference, in which the basis for jurisdiction is included.

18 IT IS SO ORDERED.

19 Dated: May 18, 2011

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22 _____
GARLAND E. BURRELL, JR.
United States District Judge

23
24
25 ¹ "If the fault lies with the attorney, that is where the impact
26 of sanction should be lodged. If the fault lies with the clients, that
27 is where the impact of the sanction should be lodged." Matter of
28 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).