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

MARIA CHRISTINA STEIN, aka MARY STEIN,)	
)	2:10-cv-02827-GEB-EFB
)	
Plaintiff,)	
)	<u>ORDER TO SHOW CAUSE AND</u>
v.)	<u>CONTINUING FINAL PRETRIAL</u>
)	<u>CONFERENCE</u>
BANK OF AMERICA, N.A., successor in interest to Countrywide Bank, FSB; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. aka "MERS",)	
)	
)	
Defendants.)	
)	

The January 25, 2012 Minute Order rescheduled the final pretrial conference until November 19, 2012, at 2:30 p.m., and required the parties to file a **joint** final pretrial statement "seven days prior to the hearing." (ECF No. 49.) No joint statement was filed as required. Only Defendants filed an untimely, separate Pretrial Statement on November 14, 2012, in which they state: "Plaintiff Maria Stein has not filed a pretrial statement. And counsel for defendants . . . has been unable to get in contact with Plaintiff's counsel regarding the filing of a joint pretrial statement. Accordingly, Defendants file this pretrial statement on behalf of themselves, only" (ECF No. 55:8-14.)

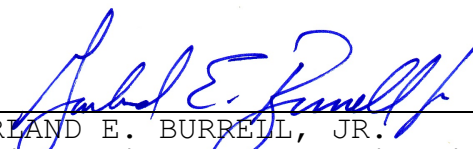
Therefore, Plaintiff Ordered to Show Cause ("OSC") in a writing to be filed no later than November 19, 2012, why sanctions should not be imposed against her and/or her counsel under Rule 16(f) of

1 the Federal Rules of Civil Procedure for failure to file a timely final
2 pretrial statement. The written response shall also state whether
3 Plaintiff or her counsel is at fault, and whether a hearing is requested
4 on the OSC. If a hearing is requested, it will be held on December 10,
5 2012, at 1:30 p.m., just prior to the final pretrial conference, which
6 is rescheduled to that date and time.

7 A joint final pretrial statement shall be filed no later than
8 seven (7) days prior to the final pretrial conference.¹ The parties shall
9 give themselves adequate time to meet and confer in advance of this
10 filing date to timely prepare and file a joint statement and are warned
11 that the failure to file a joint statement may subject them to
12 sanctions.

13 IT IS SO ORDERED.

14 Dated: November 14, 2012

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17 _____
GARLAND E. BURRELL, JR.
Senior United States District Judge

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26 ¹ The failure of one or more of the parties to participate in
27 the preparation of any joint document required to be filed in this case
28 does not excuse the other parties from their obligation to timely file
the document in accordance with this Order. In the event a party fails
to participate as ordered, the party or parties timely submitting the
document shall include a declaration explaining why they were unable to
obtain the cooperation of the other party.