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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LINDSAY,
Plaintiff,
v.
YOLANDA FRYSON,
Defendant.

No. 2:10-cv-2842-KJM-KJN PS

ORDER AND
ORDER TO SHOW CAUSE

On April 7, 2015, the district judge issued an order setting a settlement conference before the undersigned on May 15, 2015, at 9:00 a.m. (ECF No. 108.) Local Rule 270 provides, in part, that: “In actions in which the United States is not a party, and unless specifically permitted otherwise by the Judge or Magistrate Judge conducting the settlement conference, counsel shall be accompanied in person by a person capable of disposition, or shall be fully authorized to settle the matter at the settlement conference on any terms.” E.D. Cal. L.R. 270(f)(1). At the May 15, 2015 settlement conference, plaintiff Christopher Lindsay appeared representing himself, and attorney Brian Wanerman appeared on behalf of defendant Yolanda Fryson. (ECF No. 112.) However, without permission of the court, defendant Yolanda Fryson failed to appear at the settlement conference, and Mr. Wanerman was not fully authorized to settle the matter at the settlement conference on any terms. (Id.) Mr. Wanerman represented to the court that he had informed defendant of the date and time of the settlement conference, but that there may have


1 been some confusion as to whether defendant was told that her appearance was mandatory or
2 would merely be to her benefit.

3 Accordingly, and for the reasons discussed on the record at the settlement conference
4 proceedings, IT IS HEREBY ORDERED that:

- 5 1. No later than May 22, 2015, defendant shall show cause in writing why she should not
6 be sanctioned for failure to appear at the court-ordered settlement conference. As part
7 of the response to the order to show cause, defendant herself shall file a declaration
8 under penalty of perjury addressing the following issues: (a) her reasons for failure to
9 appear at the settlement conference, (b) whether she is presently employed and
10 whether she was working on the date of the settlement conference, and (c) her present
11 living arrangements (i.e., whether she owns a home, rents, or lives with others).
- 12 2. Defendant's counsel is cautioned that the court may impose monetary sanctions
13 against counsel if defendant's reason for failing to appear is that defendant's counsel
14 told her that her appearance was not mandatory.
- 15 3. No later than May 29, 2015, plaintiff may, but need not, file a reply to defendant's
16 response to the order to show cause. In such reply, plaintiff may include a discussion
17 of any costs and expenses, including time off work, plaintiff may have incurred related
18 to defendant's failure to appear at the settlement conference.
- 19 4. No later than May 29, 2015, plaintiff shall file a brief statement indicating whether he
20 still wishes to pursue the case or whether he has reached an agreement with defendant
21 to dismiss the case with each side to pay its own costs and attorneys' fees.
- 22 5. Upon resolution of the order to show cause, a potential further settlement conference
23 may be scheduled, if necessary.

24 IT IS SO ORDERED.

25 Dated: May 15, 2015

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27 _____
28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE