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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BRADLEY DEHAVEN, individually
and on behalf of the General
Public of the State of
California, LISA DEHAVEN,
individually and on behalf of
the General Public of the
State of California

NO. CIV. 2:10-3039 WBS DAD

ORDER RE: ORDER TO SHOW CAUSE

Plaintiffs,

v.

CHASE HOME FINANCE, LLC, a
Limited Liability Company,
THEBANK OF NEW YORK MELLON
TRUST COMPANY, N.A. F/K/A THE
BANK OF NEW YORK TRUST
COMPANY, N.A., a business
entity of unknown type, J.P.
MORGAN CHASE BANK, a
corporation and DOES 1 to 50

Defendants.

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Plaintiffs Bradley and Lisa Dehaven brought this action
on November 10, 2010, arising from defendants' allegedly wrongful
foreclosure on plaintiffs' home. Defendants have not yet

1 appeared in this action. Following plaintiffs' failure to file a
2 Status Report or appear at the Status (Pretrial Scheduling)
3 Conference, the court ordered plaintiffs to file a brief to show
4 cause why this action should not be dismissed for failure to
5 prosecute pursuant to Federal Rule of Civil Procedure 41(b).
6 (Docket No. 8.)

7 Following the court's Order, plaintiffs filed a brief
8 stating that "[d]ue to [plaintiffs' former counsel's] lack of
9 communication and complete disregard for Plaintiffs' case,
10 Plaintiffs were unaware of any deadlines, hearing dates, or
11 orders from the Court in this matter." (Pls.' Response to Order
12 to Show Cause Re Dismissal for Failure to Prosecute at 2:27-28
13 (Docket No. 14).) Plaintiffs have since retained new counsel,
14 which the court approved. (Docket No. 13.) Under the
15 circumstances, the court is satisfied that this action should not
16 be dismissed for failure to prosecute.

17 IT IS THEREFORE ORDERED that plaintiffs have shown
18 cause why this action should not be dismissed for failure to
19 prosecute pursuant to Federal Rule of Civil Procedure 41(b). The
20 Status (Pretrial Scheduling) Conference is continued to July 11,
21 2011, at 2:00 p.m. in Courtroom No. 5. Pursuant to the Order
22 setting the Status (Pretrial Scheduling) Conference, (Docket No.
23 5), the parties shall submit a JOINT Status Report fourteen (14)
24 calendar days prior to the hearing date.

25 DATED: June 6, 2011

26 

27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE