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

Terry Simmons; Kelly Laney,)	
)	2:11-cv-00468-GEB-KJN
Plaintiffs,)	
)	
v.)	<u>ORDER TO SHOW CAUSE AND</u>
)	<u>CONTINUING STATUS (PRETRIAL</u>
County of El Dorado; Randy)	<u>SCHEDULING) ORDER; FED. R.</u>
Peshon; and Does 1 through 15,)	<u>CIV. P. 4 (M) NOTICE</u>
inclusive,)	
)	
Defendants.)	
_____)	

The February 22, 2011, Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case on June 13, 2011, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. (ECF No. 5, ¶ 6.) The February 22, 2011 Order further required that a status report be filed regardless of whether a joint report could be procured. Id. at 2 n.1. No status report was filed as ordered.

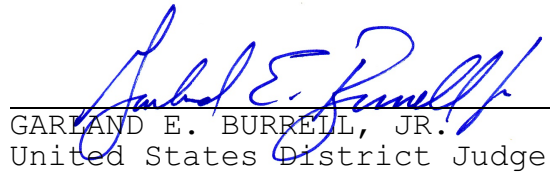
Therefore, Plaintiffs are Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on June 17, 2011, why sanctions should not be imposed against them and/or their counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report. The written response shall also state whether Plaintiffs or their counsel are at fault, and whether a hearing is

1 requested on the OSC.¹ If a hearing is requested, it will be held on
2 August 29, 2011, at 9:00 a.m., just prior to the status conference,
3 which is rescheduled to that date and time. A status report shall be
4 filed no later than fourteen (14) days prior to the status conference.

5 Further, Plaintiff is notified under Rule 4(m) of the Federal
6 Rules of Civil Procedure that any defendant not served with process
7 within the 120 day period prescribed in that Rule may be dismissed as a
8 defendant in this action unless Plaintiff provides proof of service
9 and/or "shows good cause for the failure" to serve within this
10 prescribed period in a filing due no later than 4:00 p.m. on June 22,
11 2011.

12 IT IS SO ORDERED.

13 Dated: June 8, 2011

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15 
16 GARLAND E. BURRELL, JR.
United States District Judge

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