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

SCOTT N. JOHNSON,

Plaintiff,

No. 2:11-cv-02472 KJN

v.

NAGEB ABDO ALGAZALI, doing
business as SHEBA LIQUORS;
JOANNE R. SANCHEZ,

Defendants.

ORDER and ORDER TO SHOW CAUSE

_____ /
This case was filed on September 16, 2011. (Dkt. No. 1.)¹ On December 6, 2011,
United States District Judge Garland E. Burrell, Jr., issued an order reassigning this case to the
undersigned for all purposes, including trial. (Dkt. No. 9 (citing E. Dist. Local Rule 305).)

A Status (Pretrial Scheduling) Conference was scheduled to take place before the
undersigned on February 9, 2012. (Dkt. No. 10.) In anticipation of the conference, attorneys for
both parties timely filed Status Reports on February 2, 2012. (Dkt. Nos. 11-12.) Within their
Status Reports, neither party asked that the conference be continued.

_____ /
¹ This matter proceeds before the undersigned as a result of the parties' voluntary consent
to the jurisdiction of the undersigned for all proceedings in this case, including trial and entry of final
judgment, and an order entered December 6, 2011 (Dkt. No. 9). See 28 U.S.C. § 636(c)(1); Fed. R.
Civ. P. 73; E. Dist. Local Rules 301, 305.

1 The afternoon before the conference, plaintiff filed a Request for Continuance of
2 the Status Conference asking that the status conference be continued for 90 days. (Dkt. No. 13.)
3 The grounds for plaintiff's request are: (1) plaintiff's having just returned from vacation; (2)
4 plaintiff's desire to file a First Amended Complaint "which will result in a change of
5 defendants;" and (3) plaintiff's unsuccessful attempts to communicate with defendants' counsel
6 and his belief that counsel is leaving the country "today or tomorrow." (Id.)

7 Given the late hour of plaintiff's request for a continuance and the nature of the
8 reasons motivating the request, the undersigned called this matter for a status conference as
9 scheduled on February 9, 2012. Plaintiff appeared late for the conference. However, defendants'
10 counsel, Michael David Welch, failed to appear at all, and provided no reason for such failure.

11 At the conference, the undersigned asked plaintiff whether he presently had the
12 information that would allow him to file an amended pleading naming new or additional
13 defendants. Plaintiff responded that he did not yet have this information, but anticipated
14 receiving it from defense counsel.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. Defendant's counsel, Michael David Welch, shall show cause in writing,
17 **on or before February 20, 2012**, why he should not be sanctioned for failing to appear at the
18 status conference on February 9, 2012. Defendants and their counsel are reminded that the
19 "[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may
20 be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or
21 within the inherent power of the Court." E. Dist. Local Rule 110.

22 2. A further Status Conference shall be held before the undersigned on
23 **February 23, 2012**, at 10:00 a.m., in Courtroom 25. Counsel for all parties should be prepared
24 to address whether all necessary parties have been named in this case and whether additional
25 defendants should be added, as well as whether and when plaintiff will file a First Amended
26 Complaint to add such defendants. On or before **February 20, 2012**, the parties shall file a Joint

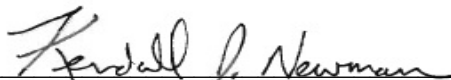
1 Status Report addressing these specific issues.

2 IT IS SO ORDERED.

3 DATED: February 9, 2012

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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