


1 Attorney General appeared. Plaintiff's counsel did not appear and did not telephone. The
2 courtroom deputy attempted to reach plaintiff's counsel by phone, but only reached the attorney's
3 law clerk, who was unable to reach plaintiff's counsel. The court also attempted to reach
4 plaintiff's counsel by cell phone, but the cell phone voicemail box was full, so no message could
5 be left.

6 At some point after 10:00 a.m., plaintiff's counsel called the court. The undersigned
7 verbally informed plaintiff's counsel that the undersigned was considering the issuance of an
8 order to show cause why sanctions should not be imposed for the late-filed request and his failure
9 to appear, either in person or by phone, but that counsel should not allow such consideration to
10 impact his representation of plaintiff at the settlement conference. Plaintiff's counsel was
11 apologetic, and agreed to participate in the settlement conference by telephone, and further agreed
12 that his participation in the settlement conference would not be influenced by the pending order to
13 show cause. Around 10:15 a.m., the settlement conference commenced, with plaintiff's counsel
14 conferring with plaintiff and the court by telephone. The case did not settle. At the conclusion of
15 the conference, plaintiff's counsel advised that he would not continue to represent plaintiff,
16 plaintiff agreed, and counsel will file documentation to that effect. Plaintiff's counsel fully
17 participated in the settlement conference.

18 In light of plaintiff's counsel's cooperation and participation¹ in the settlement conference,
19 albeit belatedly, the undersigned decides not to impose sanctions. However, plaintiff's counsel is
20 cautioned that such further late filing or failure to appear could result in such an order.

21 IT IS SO ORDERED.

22 Dated: July 28, 2016

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24 _____
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE

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¹ The court makes clear that the potential order to show cause for the imposition of sanctions had no impact on plaintiff's counsel's representation of plaintiff during the settlement conference, or decision to withdraw as counsel of record.