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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 DATATEL SOLUTIONS, INC., a
8 California corporation,

9 Plaintiff,

10 v.

11 KEANE TELECOM CONSULTING,
12 LLC, a New Jersey limited
13 liability company; OUTREACH
14 TELECOM AND ENERGY, LLC, a
15 New Jersey limited liability
16 company,

17 Defendants.

No. 2:12-cv-01306-GEB-EFB

**ORDER TO SHOW CAUSE, VACATING
FINAL PRETRIAL CONFERENCE AND
TRIAL, AND SCHEDULING STATUS
CONFERENCE**

18 The April 9, 2013 Status (Pretrial Scheduling) Order
19 scheduled a final pretrial conference in this case for July 28,
20 2014. The Status Order required the parties to file a final
21 pretrial statement "no later than seven (7) calendar days prior
22 to the final pretrial conference." (Status Order 3:12-13, ECF No.
23 33.) No joint final pretrial statement was filed as required.

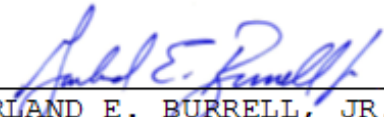
24 Therefore, Plaintiff is Ordered to Show Cause ("OSC")
25 in a writing to be filed no later than July 28, 2014, why
26 sanctions should not be imposed against it and/or its counsel
27 under Rule 16(f) of the Federal Rules of Civil Procedure for
28 failure to file a timely final pretrial statement. The written
response shall also state whether Plaintiff or its counsel is at

1 fault, and whether a hearing is requested on the OSC.¹

2 Further, review of the docket reveals this action is
3 proceeding by default against all defendants. Therefore, the
4 final pretrial conference scheduled for July 28, 2014, and the
5 trial scheduled to commence on October 21, 2014, are VACATED. A
6 status conference is scheduled to commence at 9:00 a.m. on
7 November 24, 2014.² Plaintiff shall file a status report no later
8 than fourteen (14) days prior to the status conference in which
9 it explains the status of the default proceedings.

10 IT IS SO ORDERED.

11 Dated: July 22, 2014

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15 GARIAND E. BURRELL, JR.
16 Senior United States District Judge
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25 ¹ "If the fault lies with the attorney, that is where the impact of
26 sanction should be lodged. If the fault lies with the clients, that is where
27 the impact of the sanction should be lodged." In re Sanction of Baker, 744
28 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. Myers v. Shekter (In re Hill), 775 F.2d 1385, 1387 (9th Cir. 1985).

² If a hearing is requested on the OSC, it will be held on November 24,
2014, at 9:00 a.m., just prior to the status conference scheduled *infra*.