

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 VELDEMETRIC R. THOMAS,

No. 2:13-cv-02250-TLN-AC

12 Plaintiff,

13 v.

ORDER SETTING STATUS CONFERENCE

14 THE HOME DEPOT U.S.A., INC.,

15 Defendant.
16

17 This matter is before the undersigned pursuant to Local Rule 302(c)(21). On January 15,
18 2015, plaintiff became pro se after the court held her lawyer in contempt for abandoning his client
19 in violation of the Local Rules and his ethical duties under the California Rules of Professional
20 Conduct. ECF Nos. 33 & 37. In the court's January 15, 2015 order, it directed the parties to
21 contact the undersigned in order to schedule a status conference. Id. The parties have not done
22 so. Plaintiff has, however, filed a "motion to request an equitable toll." ECF No. 40. The motion
23 fails to comply with Local Rule 230(b), and is directed to the District Judge although the case has
24 been referred to the undersigned pursuant to Local Rule 302(c)(21).

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. Plaintiff's motion, ECF No. 40, is VACATED without prejudice to renewal following
27 issuance of a Discovery and Scheduling Order in this case;
28 2. A Status (Pretrial Scheduling) Conference is SET for February 18, 2015, at 10:00 a.m.

1 in Courtroom No. 26 before the undersigned. All parties shall appear by counsel or in
2 person if acting without counsel.

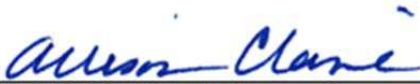
3 3. The parties shall submit to the court and serve by mail on all other parties, no later
4 than fourteen (14) days before the Status (Pretrial Scheduling) Conference, an updated
5 status report addressing the following matters:

- 6 a. Service of process;
- 7 b. Possible joinder of additional parties;
- 8 c. Any expected or desired amendment of the pleadings;
- 9 d. Jurisdiction and venue;
- 10 e. Anticipated motions and the scheduling thereof;
- 11 f. The report required by Federal Rule of Civil Procedure 26 outlining the
12 proposed discovery plan and its scheduling, including disclosure of expert
13 witnesses;
- 14 g. Future proceedings, including setting appropriate cut-off dates for discovery
15 and law and motion, and the scheduling of a pretrial conference and trial;
- 16 h. Special procedures, if any;
- 17 i. Estimated trial time;
- 18 j. Modification of standard pretrial procedures specified by the rules due to the
19 simplicity or complexity of the proceedings;
- 20 k. Whether the case is related to any other cases, including bankruptcy;
- 21 l. Whether a settlement conference should be scheduled;
- 22 m. Any other matters that may add to the just and expeditious disposition of this
23 matter.

24 3. Counsel and all unrepresented parties are reminded of their continuing duty to
25 notify chambers immediately of any settlement or other disposition. See Local Rule 160.
26 In addition, the parties are cautioned that pursuant to Local Rule 230(c), opposition to the
27 granting of a motion must be filed fourteen days preceding the noticed hearing date. The
28 Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion

1 at oral arguments if written opposition to the motion has not been timely filed by that
2 party.” Moreover, Local Rule 230(i) provides that failure to appear may be deemed
3 withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule
4 110 provides that failure to comply with the Local Rules “may be grounds for imposition
5 of any and all sanctions authorized by statute or Rule or within the inherent power of the
6 Court.”

7 DATED: January 21, 2015

8 
9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28