

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA HOPSON,

No. 2:14-cv-01223-GEB-KJN

Plaintiff,

V.

WATERWAY CREATIONS, INC.;
CUSTOMERS FIRST ENTERPRISES,
INC.; MANGELOS BROTHERS,
INC., dba BARNWOOD
RESTAURANT; and JOSEPH
MANGELOS, dba BARNWOOD
RESTAURANT; and DOES 1-10,
inclusive.

ORDER TO SHOW CAUSE AND
CONTINUING STATUS (PRETRIAL
SCHEDULING) CONFERENCE

Defendants.

The November 21, 2014, Order to Show Cause scheduled a status conference in this case on January 26, 2015, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. No status report was filed as ordered.

Therefore, Plaintiff is Ordered to Show Cause ("OSC")¹ in a writing to be filed no later than January 30, 2015, why sanctions should not be imposed against her and/or her counsel

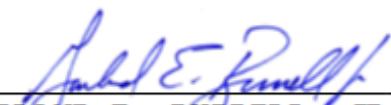
¹ This is the third OSC that has issued as a result of Plaintiff failing to timely file a status report. (See ECF Nos. 6, 9.) In response to each of the first two OSCs, Plaintiff's counsel filed a response to the OSC but failed to timely file a status report in connection with the corresponding continued status conference. Plaintiff has yet to file a status report in this action.

1 under Rule 16(f) of the Federal Rules of Civil Procedure for
2 failure to file a timely status report. The written response
3 shall also state whether Plaintiff or her counsel is at fault,
4 and whether a hearing is requested on the OSC.² If a hearing is
5 requested, it will be held on March 9, 2015, at 9:00 a.m., just
6 prior to the status conference, which is rescheduled to that date
7 and time. **A status report shall be filed no later than fourteen**
(14) days prior to the status conference.

9 Further, Plaintiff is ordered to show cause why this
10 action should not be dismissed under Federal Rule of Civil
11 Procedure 41 for failure to prosecute. Plaintiff filed this
12 action on May 19, 2014, but no Defendant has appeared. Further,
13 Plaintiff has not filed a single status report indicating her
14 efforts to prosecute this action. To avoid dismissal, on or
15 before January 30, 2015, Plaintiff shall explain why this action
16 should not be dismissed for failure to prosecute and indicate
17 what efforts she intends to take to prosecute this action.

18 IT IS SO ORDERED.

19 Dated: January 22, 2015

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23 GARLAND E. BURRELL, JR.
24 Senior United States District Judge

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27 ² "If the fault lies with the attorney, that is where the impact of
28 sanction should be lodged. If the fault lies with the clients, that is where
 the impact of the sanction should be lodged." In re 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. Myers v. Shekter (In re Hill), 775 F.2d 1385, 1387 (9th Cir. 1985).