

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA HOPSON,

 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,

 Defendants.

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

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

The July 23, 2014, Order to Show Cause and Continuing Status (Pretrial Scheduling) Conference scheduled a status conference in this case on November 24, 2014, 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.

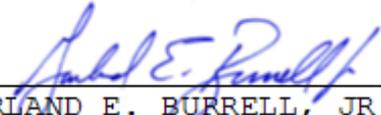
Therefore, Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than December 1, 2014, why sanctions should not be imposed against her and/or her counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report.¹ The written response

¹ This is the second occasion in which Plaintiff has failed to timely file

1 shall also state whether Plaintiff or her counsel is at fault,
2 and whether a hearing is requested on the OSC.² If a hearing is
3 requested, it will be held on January 26, 2015, at 9:00 a.m.,
4 just prior to the status conference, which is rescheduled to that
5 date and time. A joint status report³ shall be filed no later
6 than fourteen (14) days prior to the status conference.

7 IT IS SO ORDERED.

8 Dated: November 20, 2014

9
10
11 
12 _____
13 GARIAND E. BURRELL, JR.
14 Senior United States District Judge
15
16
17
18
19
20
21

22 a status report.

23 ² "If the fault lies with the attorney, that is where the impact of
24 sanction should be lodged. If the fault lies with the clients, that is where
25 the impact of the sanction should be lodged." In re Sanction of Baker, 744
26 F.2d 1438, 1442 (10th Cir. 1984), cert. denied, 471 U.S. 1014 (1985).
27 Sometimes the faults of attorneys, and their consequences, are visited upon
28 clients. Myers v. Shekter (In re Hill), 775 F.2d 1385, 1387 (9th Cir. 1985).

26 ³ The failure of one or more of the parties to participate in the
27 preparation of the Joint Status Report does not excuse the other parties from
28 their obligation to timely file a status report in accordance with this Order.
In the event a party fails to participate as ordered, the party timely
submitting the status report shall include a declaration explaining why it was
unable to obtain the cooperation of the other party or parties.