

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

Linda McDonough,

Plaintiff,

v.

United States of America,

Defendant.

No. 2:14-cv-01252-GEB-CMK

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

The December 2, 2014 Minute Order scheduled a status conference in this case on February 23, 2015, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. The government filed a separate status report in which it states:

Plaintiff's attorney of record is Dennis B. Hill, who filed this action on Plaintiff's behalf and filed papers in opposition to the United States' motion to dismiss. When contacted regarding this joint statement, however, Mr. Hill stated that he had received a letter from attorney William Lyons, purporting to represent Plaintiff. Mr. Hill stated that he no longer believed he was authorized to file or join in a statement. The telephone number provided for Mr. Lyons, which is the same number appearing on his California State Bar "Attorney Profile" page, is disconnected. Unable to contact Mr. Lyons, the United States submits this separate statement and the accompanying declaration.

(Gov't Status Report 1:21-2:2, ECF No. 18 (citations omitted).)
Plaintiff did not file a status report.

1 Therefore, Plaintiff is Ordered to Show Cause ("OSC")
2 in a writing to be filed no later than February 23, 2015, why
3 sanctions should not be imposed against her and/or her counsel
4 under Rule 16(f) of the Federal Rules of Civil Procedure for
5 failure to file a timely status report. The written response
6 shall also state whether Plaintiff or her counsel is at fault,
7 and whether a hearing is requested on the OSC.¹ If a hearing is
8 requested, it will be held on March 23, 2015, at 9:00 a.m., just
9 prior to the status conference, which is rescheduled to that date
10 and time. A joint status report shall be filed no later than
11 fourteen (14) days prior to the status conference.²

12 IT IS SO ORDERED.

13 Dated: February 12, 2015

14

15

16

17

18

19

20

21

22

23

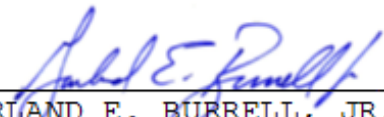
24

25

26

27

28



GARIAND E. BURRELL, JR.
Senior United States District Judge

¹ "If the fault lies with the attorney, that is where the impact of 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).

² The failure of one of the parties to participate in the preparation of the Joint Status Report does not excuse the other party from her/its 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.