

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

ROSELYN HENSLEY,  
  
Plaintiff,  
  
v.  
  
GRUPE COMMERCIAL COMPANY,  
OAKRIDGE CENTER, TICH LUU  
NGUYEN dba TOMMY'S CAFÉ, and  
DOES 1-10, inclusive,  
  
Defendants.

No. 2:14-cv-02273-GEB-AC

**ORDER TO SHOW CAUSE AND  
CONTINUING STATUS (PRETRIAL  
SCHEDULING) CONFERENCE; FED. R.  
CIV. P. 4(M) NOTICE**

The September 30, 2014 Order Setting Status (Pretrial Scheduling) Conference 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. The September 30, 2014 Order further required a status report be filed regardless of whether a joint report could be procured. No status report was filed as ordered.

Therefore, Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than January 30, 2015, 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. The written response shall also state whether Plaintiff or her counsel is at fault,

1 and whether a hearing is requested on the OSC.<sup>1</sup> If a hearing is  
2 requested, it will be held on March 9, 2015, at 9:00 a.m., just  
3 prior to the status conference, which is rescheduled to that date  
4 and time. A joint status report shall be filed no later than  
5 fourteen (14) days prior to the status conference.

6 Further, Plaintiff is notified under Rule 4(m) of the  
7 Federal Rules of Civil Procedure that failure to serve Defendants  
8 Grupe Commercial Company and Oakridge Center within the 120 day  
9 period prescribed in that Rule may result in the unserved  
10 defendant(s) being dismissed. To avoid dismissal, on or before  
11 January 30, 2015, Plaintiff shall file proof of service for these  
12 defendants or a sufficient explanation why service was not  
13 completed within Rule 4(m)'s prescribed service period.

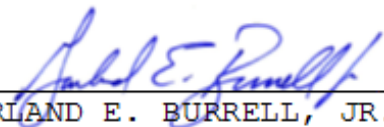
14 IT IS SO ORDERED.

15 Dated: January 22, 2015

16

17

18

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

19

20

21

22

23

24

25

26

27

28

---

<sup>1</sup> "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).