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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA HOPSON,  
  
Plaintiff,  
  
v.  
  
BIG BOY MARKETS, INC.; ARTHUR  
TOY AND PATRICIA TOY TRUST;  
and DOES 1-10, inclusive,  
  
Defendants.

No. 2:14-cv-02274-GEB-AC

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

The March 4, 2015, Order to Show Cause ("OSC") scheduled a status conference in this case on April 20, 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<sup>1</sup> in a writing to be filed no later than April 20, 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, and whether a

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<sup>1</sup> This is the third OSC that has issued as a result of Plaintiff failing to timely file a status report. (See ECF Nos. 6, 8.) In response to each of the earlier 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.

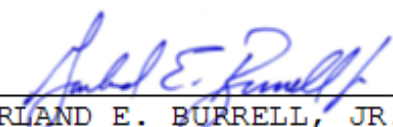
1 hearing is requested on the OSC.<sup>2</sup> If a hearing is requested, it  
2 will be held on October 26, 2015, at 9:00 a.m.

3 Further, although the Clerk has entered default against  
4 each named defendant, and Plaintiff's counsel declared in his  
5 March 13, 2015 response to the March 4, 2015 OSC that he "w[ould]  
6 promptly file a motion for entry of default judgment," no such  
7 motion has been filed. (Resp. to OSC ¶9, ECF No. 15.) Therefore,  
8 Plaintiff shall file a motion for entry of default judgment  
9 before the Magistrate Judge no later than May 1, 2015. If  
10 Plaintiff fails to timely file the motion, Plaintiff shall show  
11 cause in writing no later than May 4, 2015, why this action  
12 should not be dismissed for failure of prosecution. This action  
13 may be dismissed with prejudice under Federal Rule of Civil  
14 Procedure 41(b) if Plaintiff fails to timely respond to this  
15 Order.

16 Also, the status conference scheduled for hearing on  
17 April 20, 2015, is continued to commence at 9:00 a.m. on October  
18 26, 2015. Plaintiff shall file a status report no later than  
19 fourteen (14) days prior to the status conference, in which she  
20 explains the status of the default proceedings.

21 IT IS SO ORDERED.

22 Dated: April 14, 2015

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GARIAND E. BURRELL, JR.

Senior United States District Judge

26 <sup>2</sup> "If the fault lies with the attorney, that is where the impact of  
27 sanction should be lodged. If the fault lies with the clients, that is where  
28 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).

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