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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 UNITED STATES OF AMERICA, ex  
9 rel ROGER LEMAUX, Relator;  
10 the STATE OF CALIFORNIA, ex  
11 rel ROGER LEMAUX, Relator;

12 Plaintiff,

13 v.

14 MAGNUM EQUIPMENT, INC.; N & S  
15 TRACTOR CO.; DEL MAR FARMS; W  
16 FARMS; LEE DELDON; JOHN  
17 MARING; and ROBERT WILLIAMS;

18 Defendant.  
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No. 2:14-cv-02570-GEB-CKD

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

20 The October 5, 2015, Order Setting Status (Pretrial  
21 Scheduling) Conference scheduled a status conference in this case  
22 on November 23, 2015, and required the parties to file a joint  
23 status report no later than fourteen (14) days prior to the  
24 scheduling conference. That Order further required a status  
25 report be filed regardless of whether a joint report could be  
26 procured. No status report was filed as ordered.

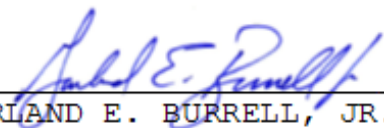
27 Therefore, Plaintiff is Ordered to Show Cause ("OSC")  
28 in a writing to be filed no later than November 30, 2015, why  
sanctions should not be imposed against him and/or his counsel  
under Rule 16(f) of the Federal Rules of Civil Procedure for  
failure to file a timely status report. The written response

1 shall also state whether Plaintiff or his counsel is at fault,  
2 and whether a hearing is requested on the OSC.<sup>1</sup> If a hearing is  
3 requested, it will be held on March 14, 2016, at 9:00 a.m., just  
4 prior to the status conference, which is rescheduled to that date  
5 and time. A joint status report shall be filed no later than  
6 fourteen (14) days prior to the status conference.

7 Further, Plaintiff is notified under Rule 4(m) of the  
8 Federal Rules of Civil Procedure that failure to serve each  
9 Defendant with process within the 120 day period prescribed in  
10 that Rule may result in the unserved defendant(s) and/or this  
11 action being dismissed. To avoid dismissal, on or before February  
12 5, 2016, Plaintiff shall file proof of service for each defendant  
13 or a sufficient explanation why service was not completed within  
14 Rule 4(m)'s prescribed service period.

15 IT IS SO ORDERED.

16 Dated: November 17, 2015

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20 GARIAND E. BURRELL, JR.  
21 Senior United States District Judge  
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26 <sup>1</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).