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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA HOPSON,

Plaintiff,

v.

DORNOCH, INC., as itself and
dba Tracy Ford; MARIA
MUELLER, as an individual
and dba Tracy Ford; THOMAS
NOKES; and DOES 1-10,
inclusive,

Defendants.

No. 2:14-cv-02970-GEB-AC

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

The December 24, 2014, Order Setting Status (Pretrial Scheduling) Conference 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 December 24, 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 February 23, 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.¹ If a hearing is
2 requested, it will be held on May 18, 2015, at 9:00 a.m., just
3 prior to the status conference, which is rescheduled to that date
4 and time. A status report shall be filed no later than fourteen
5 (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 each
8 defendant within the 120 day period prescribed in that Rule may
9 result in the unserved defendant(s) and/or this action being
10 dismissed. To avoid dismissal, on or before April 24, 2015,
11 Plaintiff shall file proof of service for each defendant or a
12 sufficient explanation why service was not completed within Rule
13 4(m)'s prescribed service period.

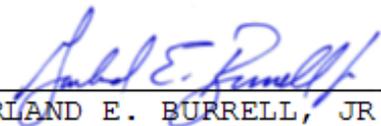
14 IT IS SO ORDERED.

15 Dated: February 12, 2015

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

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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).