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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MD HELICOPTERS, INC.,

Plaintiff,

v.

AEROMETALS, INC.,

Defendant.

No. 2:16-cv-02249 TLN AC

ORDER

Defendant filed a motion to compel discovery responses, noticed for hearing August 8, 2017 at 10:00 a.m. ECF No. 79. The matter was accordingly referred to the undersigned by Local Rule 302(c)(1). Pursuant to Local Rule 251(a), the parties were required to file their joint statement at least seven (7) days before the hearing date. Thus, the joint statement should have been filed on August 2, 2017. No joint statement was filed. Local Rule 251(a) is clear that, with respect to a motion to compel, “[t]he hearing may be dropped from the calendar without prejudice if the Joint Statement re Discovery Disagreement or an affidavit as set forth below is not filed at least seven (7) days before the scheduled hearing date.”

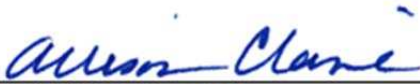
Because the motion was not completed by timely filing of the parties’ joint statement, the motion will be vacated without prejudice to re-filing. The court calls to the attention of the parties Local Rule 110, which provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the

1 inherent power of the Court.”

2 Good cause appearing, IT IS HEREBY ORDERED that:

- 3 1. The motion set for hearing on August 9, 2017, ECF No. 79, is VACATED for
4 failure to prosecute; and
5 2. Defendant may re-file its motion to compel, but is cautioned to timely comply with
6 this court’s rules in the future.

7 DATED: August 3, 2017

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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