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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES DAHLIN and KIMBERLY DAHLIN,

Plaintiffs,

v.

ROSEMARY FRIEBORN, CURT RANSOM, DEBBIE NELSON, PHILLIP ISETTA, ANGELA MCCULLOUGH, TUCKER HUEY, and THOMAS SHERIFF,

Defendants.

No. 2:17-cv-02585-MCE-AC

ORDER

The Court has considered the three separate sets of objections (ECF Nos. 187-89) that Defendants filed to its Supplemental Pretrial Scheduling Order (ECF No. 186). Each objection contends that the discovery deadline is insufficient to allow for proper fact discovery due to repeated lengthy delays caused by the egregious neglect of this case and highly inappropriate conduct during deposition proceedings by one of Plaintiffs' counsels, Mr. Stratton Barbee, the latter of which the Court is aware is the subject of a Motion to Compel, Motion for Protective Order, and Motion for Sanctions noticed before Magistrate Judge Allison Claire (ECF No. 192).

Independently, the Court has reviewed filings in which Mr. Barbee indicates he is


1 missing discovery and had tried at times to obtain information from Plaintiffs' "former
2 counsel Dennise Henderson, to no avail." ECF No. 193-1, at 11. Not only did Mr.
3 Barbee never raise any issues regarding Ms. Henderson's purported failure to provide
4 Plaintiffs' case files with the Court, but there is no record that Ms. Henderson ever
5 withdrew as counsel for Plaintiffs.

6 Given the Court's review of the record in its entirety and the fact that all remaining
7 Defendants unanimously describe the same unprofessional conduct and dilatory tactics,
8 not later than ten (10) days following the date that this Order is electronically filed,
9 Plaintiffs are ordered to show cause ("OSC") in writing why this case should not be
10 dismissed for failure to prosecute and/or to follow the applicable rules and orders of this
11 Court. See Fed. R. Civ. Pro. 41(b). Plaintiffs shall include in their response to the OSC
12 an explanation as to the status of counsel as well. If no response is timely filed, this
13 action will be dismissed with terminating (and/or monetary sanctions) with prejudice
14 upon no further notice to the parties.

15 Finally, the Clerk of the Court is directed to terminate all Defendants other than
16 those included in the above caption. See ECF Nos. 131, 149.

17 IT IS SO ORDERED.

18 Dated: May 13, 2024

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20 MORRISON C. ENGLAND, JR.
21 SENIOR UNITED STATES DISTRICT JUDGE
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