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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER PRESNIAKOV,

Plaintiff,

No. C 04-00831 JSW

v.

RETAIL DISTRIBUTORS LLC, et al.,

Defendants.

**SECOND ORDER TO SHOW
CAUSE AS TO WHY COUNSEL
SHOULD NOT BE HELD IN
CONTEMPT OF COURT**

On December 11, 2008, this Court issued an Order setting a status conference for January 23, 2009. On January 22, 2009, the Court received the parties' stipulation to continue the status conference from January 23, 2009 to February 6, 2009. The Court granted the parties' request, but ordered Mr. Presniakov, Mr. Wysocki, and a client representative of Retail Distributors LLC to appear on that date.

On February 6, 2009, the Court held the status conference. Mr. Presniakov did appear in person, but was late. Because the Court received conflicting explanations as to when Mr. Presniakov was notified of his obligation to appear in person, the Court ordered Mr. Presniakov's counsel to file a declaration by February 13, 2009, setting forth an explanation of exactly when Mr. Presniakov was informed of his obligation to appear at the status conference.

Counsel for Plaintiff failed to file a declaration in a timely fashion, and on February 18, 2009, the Court issued an Order to Show Cause as to why Plaintiff's counsel should not be held in contempt for failing to comply with the filing deadline. On March 2, 2009, the Court discharged the Order to Show Cause regarding contempt, but imposed sanctions on Plaintiff's counsel in the amount of \$1,000. Pursuant to the Court's Order, that sanction was due to be

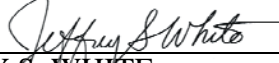
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paid within ten days of the date of the Order, or by no later than March 16, 2009. This Court has been informed that the sanction has not yet been paid.

Accordingly, Plaintiff's counsel, John Downing, is HEREBY ORDERED TO SHOW CAUSE as to why he should not be held in civil contempt for failure to pay the sanctions required by this Court's March 2, 2009 Order. Counsel shall file a response in writing by no later than March 27, 2009, and shall appear at a hearing on **Friday, April 3, 2009 at 1:30 p.m.** The Court shall not discharge the Order to Show Cause prior to this hearing, and if counsel fails to appear on that date, the Court shall issue a bench warrant.

IT IS SO ORDERED.

Dated: March 20, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE