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6 Attorneys for Defendant,
7 INTERNATIONAL FIDELITY INSURANCE
8 COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

12 KEVIN E. CHAMBERS,
13 Plaintiff,

14 v.

15 INTERNATIONAL FIDELITY
16 INSURANCE COMPANY, an Entity of
17 Unknown Form; and DOES 1-20

17 Defendants.

CASE NO. C-08-02994 MHP

**~~PROPOSED~~ ORDER TO SHOW CAUSE
WHY THE ACTION SHOULD NOT BE
DISMISSED WITH PREJUDICE**

Date: November 24, 2008
Time: 4:00 p.m.
Courtroom 15, 18th Floor

20 **TO PLAINTIFF, KEVIN E. CHAMBERS, AND HIS ATTORNEY OF RECORD:**

21 This matter was set for Case Management Conference on September 29, 2008 at 4:00
22 p.m. before the Honorable Marilyn Hall Patel. Counsel for Plaintiff Kevin Chambers did not
23 appear at the Case Management Conference, as required by Civil Local Rule 16-70, or notify the
24 Court that he would not attend.

25 **THEREFORE, YOU ARE HEREBY ORDERED TO SHOW CAUSE** on November
26 24, 2008, at 4:00 p.m. in Courtroom 15, why this case should not be dismissed with prejudice or

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1 sanctions otherwise issued for your failure to appear at the Case Management Conference duly
2 set for September 29, 2008 in this Court. (Fed. R. Civ. P. 41(b).)

3 **IT IS SO ORDERED.**

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6 Honorable Maril



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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

- 3 1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
- 4 2. My business address is One California Street, 26th Floor, San Francisco, California
- 5 94111-5427.
- 6 3. I served copies of the following documents (specify the exact title of each document served):

7 **[PROPOSED] ORDER TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED WITH PREJUDICE**

- 8 4. I served the documents listed above in item 3 on the following persons at the addresses listed:

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 10 Charles R. Gossage, Esq. Attorney for Plaintiff
 11 31441 Santa Margarita Parkway, Suite Kevin E. Chambers
 12 A260
 Rancho Santa Margarita, CA 92688

- 13 5. a. **By personal service.** I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.

- 17 b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and (*specify one*):

- 19 (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or
- 20 (2) placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

24 I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.


- 25 c. **By overnight delivery.** I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

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- d. **By messenger service.** I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this proof of service or be contained in the Declaration of Messenger below.)
- e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of the persons listed in item 4. No error was reported by the fax machine that I used. A copy of the fax transmission, which I printed out, is attached.
- f. **By e-mail or electronic transmission.** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.

6. I served the documents by the means described in item 5 on *(date)*: October 3, 2008

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/3/08 Virginia Li 
DATE (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

DECLARATION OF MESSENGER

By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 4. I delivered the documents on the date shown below to the persons at the addresses listed in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.

At the time of service, I was at least 18 years of age. I am not a party to the above referenced legal proceeding.

I served the envelope or package, as stated above, on *(date)*: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)