

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 JOHN DAMON,

6 Plaintiff(s),

No. C 08-3488 PJH

7 v.

ORDER TO SHOW CAUSE

8 RICHARD R. FENTON,

9 Defendant(s).
10 _____/

11 The initial case management conference originally scheduled for October 30, 2008,
12 was continued by Clerk's Notice to November 20, 2008. Plaintiff through his counsel of
13 record, Tomas Margain, filed his first amended complaint on November 4, 2008. At the
14 initial case management conference on November 20, 2008, neither plaintiff nor Tomas
15 Margain appeared. Instead, Jacob Sider, an attorney from Margain's office, who is not lead
16 counsel in this case, appeared. Additionally no case management statement had been
17 filed as required by the Civil Local Rules and by order of the court. No one appeared for
18 defendant, as neither the original nor the amended complaint had been served on him.

19 The conference was continued to December 18, 2008 to permit plaintiff another
20 opportunity to file a case management statement and to serve the defendant. Mr. Sider
21 was also ordered to advise Mr. Margain that lead counsel is required to appear at case
22 management conferences in the future.

23 A certificate of service showing service of the summons and complaint on defendant
24 was filed on December 10, 2008, and the following day a stipulation and request to
25 continue the December 18, 2008 case management conference to January 15, 2009, and
26 the December 11, 2008 deadline for filing the joint case management statement to January
27 8, 2009. The court granted the request.
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1 However, no statement was filed on January 8, 2009, and neither party appeared at
2 the case management conference on January 15, 2008.

3 Accordingly, the court hereby issues this ORDER TO SHOW CAUSE why sanctions
4 should not be imposed in the form of dismissal for failure to prosecute, default of non-
5 appearing defendant, or monetary sanctions. The hearing on the ORDER TO SHOW
6 CAUSE will take place on January 29, 2009, at 2:30 p.m. If either party fails to appear in
7 person or by lead counsel, one of the sanctions referred to above will be imposed.

8 **IT IS SO ORDERED.**

9 Dated: January 16, 2009



PHYLLIS J. HAMILTON
United States District Judge

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