

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

MARK OTTOVICH, et al.,

Plaintiffs,

v.

CITY OF FREMONT, et al.,

Defendants.

---

No. C 09-4181 MMC

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE; DIRECTIONS TO  
CLERK**

On February 22, 2013, after plaintiff failed to appear at a regularly scheduled Case Management Conference, the Court issued an Order to Show Cause, directing plaintiff to show cause why the case should not be dismissed for failure to prosecute. On March 8, 2013, plaintiff filed a response stating his brother was in the hospital on the date of the Case Management Conference. Although plaintiff does not state when that hospitalization began or how it interfered with his ability to attend the Case Management Conference, or even how such hospitalization would have precluded him from, at a minimum, notifying the Court and counsel for the opposing party of any difficulty it presented for him, the Court will accept his explanation and hereby DISCHARGES the order to show cause.<sup>1</sup>

---

<sup>1</sup> Plaintiff should be aware, however, that, as the party who initiated the instant action, he is expected to comply with all Court orders and rules and, in that regard, is held to the same standards as a party who is represented by counsel. It is unlikely that the Court will continue to accept excuses of the type being offered in plaintiff's present response. As to future appearances in court, plaintiff is hereby ORDERED to personally appear at the Case Management Conference now scheduled for March 29, 2013.

