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**United States District Court**  
For the Northern District of California

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

JONATHAN MADRID,

Plaintiff,

No. C 09-04819 JSW

v.

CITY OF OAKLAND, ET AL.,

Defendants.

**ORDER DISCHARGING ORDER  
TO SHOW CAUSE RE FAILURE  
TO APPEAR AND IMPOSING  
SANCTIONS**

By order dated October 15, 2009, this Court set a case management conference for February 5, 2010 at 1:30 p.m. The order required that all parties appear through lead counsel or counsel sufficiently well versed in the matter to enable counsel to discuss all items referred to in the order and with authority to enter stipulations, to make admissions, and to agree to further scheduling dates.

John I. Burris, counsel for Plaintiff Jonathan Madrid, without leave of Court or notice to any of the parties, failed to appear at the case management conference on February 5, 2010, in violation of Civil L. R. 16-10(c). Accordingly, on February 5, 2010, the Court issued an order to show cause why monetary sanctions in the amount of \$1,000 should not be imposed, why this Court should not report Mr. Burris to the California State Bar for his conduct in this matter, and why this case should not be dismissed for failure to prosecute.

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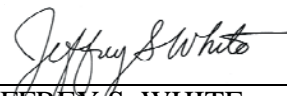
By letter dated February 19, 2010, but not properly electronically filed with the Court, Steven R. Yourke, counsel with the Burris law firm, responded to the order to show cause. He represented that it was his responsibility to appear at the case management conference and due to his own inadvertent neglect, he failed to appear. The Court finds that Mr. Burris, as lead counsel in this matter, bears the responsibility of ensuring that he or counsel sufficiently well versed in the matter be present at all Court hearings. In addition, it was Mr. Burris' responsibility to respond in writing to the order to show cause. Accordingly, the Court **HEREBY ORDERS** that Mr. Burris personally pay sanctions in the amount of \$1,000 to the Clerk of this Court and properly file proof of such payment by no later than March 12, 2010.

Furthermore, having considered Mr. Burris' record before this Court on other matters as well as in this case, the Court **HEREBY ORDERS** Mr. Burris to self-report to the State Bar of California regarding the violations of this Court's Orders and the \$1,000 sanction imposed for purposes of determining whether counsel has violated provisions of California Rules of Professional Conduct and the State Bar Act by no later than March 12, 2010. Mr. Burris shall certify to this Court by no later than March 12, 2010, that he has complied with the entirety of this Order.

This case shall not be dismissed for failure to prosecute. This order discharges the order to show cause dated February 5, 2010.

**IT IS SO ORDERED.**

Dated: February 25, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE