

United States District Court
For the Northern District of California

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

ANITA CONCEPCION,
Plaintiff,

No. C-10-CV-00401 EDL

ORDER TO SHOW CAUSE

v.

WORLD SAVINGS FINANCIAL, FSB, nka
WACHOVIA FINANCIAL SERVICES, INC.;
WACHOVIA FINANCIAL SERVICES, INC., A
WELLS FARGO COMPANY; WELLS FARGO
N.A., et al.

Defendants.

On March 8, 2010, this Court dismissed this case without prejudice, based on Plaintiff’s failure to respond to an order to show cause why the Complaint should not be dismissed for failure to prosecute or why Defendants’ motion to dismiss and motion to strike should not be granted as unopposed. Plaintiff did not make any attempt to resurrect the case following dismissal. Defendants then moved for attorneys’ fees incurred in connection with this action pursuant to the underlying mortgage agreement documents. Plaintiff failed to timely oppose the fee motion, but on the date of the hearing on the fee motion, Plaintiff’s counsel Deborah Pimentel filed a “Motion for Additional Time” which the Court granted based on a showing of good cause due to personal issues involving Ms. Pimentel and her family . The Court continued the motion hearing by six weeks and allowed an additional three weeks for Ms. Pimentel to prepare an opposition. Despite this generous extension, and in direct violation of the Court’s Order requiring an opposition by May 25, 2010, Ms. Pimentel has still not filed any opposition to the fee motion or requested an additional extension. At this

1 point, it appears that Ms. Pimentel's inaction on behalf of her client may amount to bad faith and/or
2 willful disobedience of a Court Order.

3 Accordingly, Ms. Pimentel is hereby Ordered to show cause why she should not be
4 sanctioned in the form of a fine to the Court as well as reasonable fees to Defendants, and/or referred
5 to the Standing Committee of Professional Conduct for this district, for her violation of the Court's
6 Order. Plaintiff's written response to this Order to Show Cause shall be due no later than Monday,
7 June 14, 2010 and the matter shall be heard in conjunction with oral argument on the fee motion
8 which is currently set for June 15, 2010. If Plaintiff seeks to file an opposition to Defendants' fee
9 motion, she must demonstrate good cause for her failure to comply with the Local Rules and any
10 request to file a late opposition brief also must be filed no later than June 14, 2010.

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12 **IT IS SO ORDERED.**

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14 Dated: June 10, 2010

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ELIZABETH D. LAPORTE
United States Magistrate Judge