

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  
SAN FRANCISCO DIVISION

Craig Yates,  
Plaintiff,  
v.  
Jumbo Seafood Restaurant, Inc., et al,  
Defendants.

NO. C 10-02652 JW

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SETTING HEARING ON ORDER SHOW  
CAUSE RE: DISMISSAL FOR LACK OF  
PROSECUTION**

Jumbo Seafood Restaurant, Inc.,  
Third-Party Plaintiff,  
v.  
AMCO Insurance Co.,  
Third-Party Defendant.

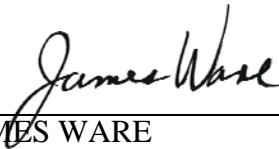
This case is scheduled for a Case Management Conference on July 11, 2011. In contravention of the Local Rules and the Clerk of Court’s Notice Upon Reassignment, the parties failed to timely file a Joint Case Management Conference Statement, and only Third-Party Defendant AMCO Insurance Co. filed an individual Case Management Conference Statement. (See Docket Item No. 23.) To date, neither Plaintiff Craig Yates (“Plaintiff”) nor Third-Party Plaintiff Jumbo Seafood Restaurant, Inc. (“Third-Party Plaintiff”) have filed a Case Management Conference Statement.

In light of the parties’ failure to timely file a Joint Statement, the Court finds a Case Management Conference premature at this time. Accordingly, the Court VACATES the July 11

1 Conference. Further, the Court hereby orders Plaintiff and Third-Party Plaintiff to appear in  
2 Courtroom No. 15, 18th Floor, United States District Court, 450 Golden Gate Avenue, San  
3 Francisco, California on **September 12, 2011 at 9:00 a.m.** to show cause, if any, by actual  
4 appearance in Court, and by separate certifications from Plaintiff and Third-Party Plaintiff filed with  
5 the Court on or before **September 2, 2011**, why the Complaint and Third-Party Complaint should  
6 not be dismissed for failure to prosecute. The certifications shall set forth in factual summary the  
7 reason no Joint Case Management Conference Statement has been filed and what steps Plaintiff and  
8 Third-Party Plaintiff are taking to prosecute their respective Complaints.

9 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
10 the action pursuant to Fed. R. Civ. P. 41(b) which is a dismiss on the merits.

11  
12 Dated: July 5, 2011

  
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JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Bradley Jay Jameson bjaxeson@psalaw.net  
3 Brian Y.K. Ching rocketkit@hotmail.com  
4 Gary T. Lafayette glafayette@lkclaw.com  
5 Glen Elliot Turner gturner@lkclaw.com  
6 Thomas E. Frankovich tfrankovich@disabilitieslaw.com

7 **Dated: July 5, 2011**

**Richard W. Wieking, Clerk**

8 **By:           /s/ JW Chambers**  
9 **Susan Imbriani**  
10 **Courtroom Deputy**

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