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UNITED STATES DISTRICT COURT
Northern District of California

TENNIEL WALKER,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

No. CV11-02368 MEJ

ORDER REOPENING CASE

On November 2, 2011, the Court dismissed this case without prejudice for failure to prosecute. Dkt. No. 18. However, the Court is now in receipt of Plaintiff's counsel's declaration, in which he states that he "had inadvertently not read recent emails regarding discovery standing orders in this matter and failed to contact defense counsel to meet and confer on discovery issues," and that he has now "contacted defense counsel and met and conferred on the discovery issues and the disclosure statement" and "discussed tentative deposition dates and the upcoming Mediation date." Dkt. No. 19. Although Plaintiff filed this declaration after the November 1 deadline set in the Court's order to show cause, (Dkt. No. 16), Plaintiff's counsel contacted the Clerk's Office and explained that he prepared the declaration by the deadline, but e-filing problems caused it to be filed late. Based on Plaintiff's representations, it appears that his case should be permitted to go forward. Accordingly, the Court hereby ORDERS the Clerk of Court to re-open this case. All dates in the August 22, 2011 scheduling order are re-instated. Dkt. No. 9. Plaintiff should be mindful that any future failure to comply with court orders and deadlines will likely result in sanctions.

IT IS SO ORDERED.

Dated: November 2, 2011



Maria-Elena James
Chief United States Magistrate Judge