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28United States District Court  
For the Northern District of CaliforniaIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOREEN MACLELLAN,

Plaintiff,

v.

ALAMEDA COUNTY, et al.,

Defendants.

No. C 12-5795 MMC

**ORDER RE: FAILURE TO COMPLY  
WITH PRETRIAL PREPARATION  
ORDER**

The Court is in receipt of the declaration, filed March 25, 2014, by Kevin M. Smith, counsel for defendant ValleyCare Health System (“ValleyCare”), in which Mr. Smith explains his “failure to comply with the Court’s Pre-Trial Preparation Order by [his] failure to appear at the Pre-Trial Conference on March 18, 2014.” (See Smith Decl. ¶ 2.)

The Court appreciates Mr. Smith’s detailed account of the reasons for his absence from those proceedings. As made clear at the Pretrial Conference, however, the Court’s request for an explanation was not limited to such nonappearance, but, rather, was directed as well at counsel’s failure to file on behalf of ValleyCare any documents required by the Pretrial Preparation Order. (See Pretrial Preparation Order, filed February 25, 2013, at 3-5 (setting forth required filings).)


Although Mr. Smith does state he anticipated counsel for Alameda County Medical Center (“ACMC”) would “take the laboring oar” in that regard (see Smith Decl. ¶ 9), the issues pertaining to the two defendants differ considerably and, consequently, ACMC’s

1 pretrial filings were filed solely on behalf of APMC. Nevertheless, the Court will accept Mr.  
2 Smith's declaration as an adequate explanation.

3 Accordingly, no further action will be taken.

4 **IT IS SO ORDERED.**

5 Dated: March 31, 2014

  
MAXINE M. CHESNEY  
United States District Judge

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