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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

NOVUS OPTIMUM LABS, dba NOVUS
OPTIMUM, INC., and MELIZA REYES,

Plaintiffs and Counter-defendants,

v.

GINA TAMAYO and EDGARDO TAMAYO,
dba NOVUS OPTI-LAB,

Defendants and Counter-claimants.

Case No. 13-cv-01119 JST (NC)

**ORDER TO SHOW CAUSE
WHY SANCTIONS, INCLUDING
CASE-TERMINATING
SANCTIONS, SHOULD NOT BE
IMPOSED**

The parties were ordered to appear today for a settlement conference. Pro se defendants/counter-claimants Gina Tamayo and Edgardo Tamayo were served with the order setting the conference. Dkt. 56. Defendant Edgardo Tamayo was reminded of the conference on January 23, 2014, by email. Dkt. 57. Gina Tamayo and Edgardo Tamayo did not appear at the conference as ordered, did not submit a settlement conference statement as ordered, and did not move for a continuance of the conference. To date, the Tamayos have not explained their failure to respond to a court order.

As a result, the Court orders that by February 7, 2014, Gina Tamayo and Edgardo Tamayo must explain in a writing filed with the Court why they should not be sanctioned

Case No. 13-cv-01119 JST (NC)
ORDER TO SHOW CAUSE

1 for their failure to follow court orders and for their failure to prosecute their counter-
2 claim. Any facts submitted to the Court must be set forth by declaration submitted under
3 penalty of perjury. The sanctions considered include a recommendation of default
4 judgment against each of the defendants on the claims filed by plaintiffs, recommendation
5 of dismissal of the Tamayos' counter-claims, payment of costs and attorneys' fees
6 incurred by plaintiffs, and monetary sanction against the Tamayos. If the Tamayos do not
7 respond to this Order by February 7, no further warning will be provided before sanctions
8 are imposed.

9 The Court will hold a hearing on this Order to Show Cause on February 12, 2014,
10 at 2:00 p.m. in United States District Court, 450 Golden Gate Avenue, Courtroom A, 15th
11 Floor, San Francisco. The Tamayos are ordered to appear at the hearing.

12 For additional guidance, the Tamayos may refer to the Court's Pro Se Handbook,
13 available on the Court's website at <http://www.cand.uscourts.gov/prosehandbook>, or
14 contact the Legal Help Center, which provides information and limited-scope legal advice
15 to pro se litigants in civil cases. The Legal Help Center requires an appointment, which
16 can be made by calling (415) 782-8982.

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18 Date: January 24, 2014

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20 NATHANAEL M. COUSINS
21 United States Magistrate Judge
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