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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOROTHY C. GIESEKE, et al.,
Plaintiffs,
v.
BANK OF AMERICA, N.A., et al.,
Defendants.

Case No. 13-cv-04772-JST

**ORDER TO SHOW CAUSE; ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

The Case Management Conference currently scheduled for August 24, 2016 is continued to October 5, 2016 at 2:00 p.m. An updated Joint Case Management Statement must be filed by September 26, 2016.

If the Plaintiff has not already filed an amended complaint by stipulation by September 26, 2016, Defendants should state what grounds they anticipate having for opposing Plaintiff's intended motion to amend his complaint. See ECF No. 49 at 4; See also, e.g., Slavkov v. Fast Water Heater Partners I, LP, No. 14-CV-04324-JST, 2015 WL 5071933, at *2 (N.D. Cal. Aug. 27, 2015) (the court considers five factors in deciding a motion for leave to amend: "bad faith, undue delay, prejudice to the opposing party, futility of amendment, and whether the plaintiff has previously amended his complaint.").

Separately, the Court notes that it issued an Order Setting Initial Case Management Conference and ADR Deadlines on October 15, 2013. ECF No. 3. In pertinent part, that order required the parties to take the following actions by December 25, 2013: "meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan"; "file ADR Certification signed by Parties and Counsel"; and "file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference." Id. at 1. The parties did not take either of the last

United States District Court
Northern District of California

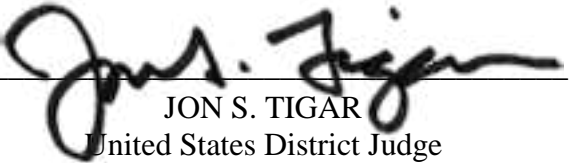
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two required actions at any time before a Notice of Appeal was filed on August 27, 2014.

Therefore, the parties are hereby ordered to comply with the foregoing ADR requirements by September 2, 2016. If they do not do so, they are ORDERED TO SHOW CAUSE why sanctions should not be imposed for their failure. A hearing on this Order to Show Cause will be set for October 5, 2016 at 2:00 p.m.

IT IS SO ORDERED.

Dated: August 19, 2016



JON S. TIGAR
United States District Judge