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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN PATRICK HENNEBERRY,
Plaintiff,
v.
CITY OF NEWARK, et al.,
Defendants.

Case No. [13-cv-05238-MEJ](#)

**ORDER FOR YOLANDA HUANG TO
SHOW CAUSE WHY SHE SHOULD
NOT BE SANCTIONED**

On June 14, 2017, the Court granted Yolanda Huang’s motion to withdraw as Plaintiff’s attorney on the condition she remain counsel of record on ECF and continue to accept and immediately forward filings to Plaintiff until Plaintiff registered as an ECF user or new counsel appeared in the action. *See* Order, Dkt. No. 116 at 2. The Order further directed Ms. Huang to e-file proof of service upon Plaintiff. *Id.*

Ms. Huang filed proofs of service upon Plaintiff on June 14, 2017 and July 27, 2017. *See* Dkt. Nos. 117, 126. There is no indication Ms. Huang has continued to serve Plaintiff since that time. Specifically, there is no indication Ms. Huang has served Plaintiff with the Court’s Order re: Sanctions (Dkt. No. 129) or with its Order Setting Case Management Conference (Dkt. No. 130), which is scheduled for September 7, 2017.

Defendants’ counsel already has incurred expenses in preparing for and appearing at a status conference at which Plaintiff did not appear. *See* OSC, Dkt. No. 121; Response, Dkt. No. 123; Order re: OSC, Dkt. No. 124; Order re: Sanctions. If Plaintiff did not receive timely notice of the CMC and the Court’s order to prepare for the CMC, Defendants may needlessly incur additional costs and/or the Court may need to continue the matter further. At that juncture, the Court will consider dismissing the remainder of this case for failure to prosecute and for

1 disobeying court-ordered deadlines.

2 Accordingly, no later than August 28, 2017, Ms. Huang shall file proofs of service
3 showing she served the Court's Order re: Sanctions and Order Setting Case Management
4 Conference upon Plaintiff, and file a declaration showing cause why she should not be sanctioned
5 by the Court for failing to do so. The Court warns Ms. Huang that failure to timely respond shall
6 result in the imposition of additional sanctions.

7 By that date, Defendants also shall file a one- to two-page declaration confirming whether
8 they have been communicating with Plaintiff regarding the upcoming CMC, and whether they
9 believe the parties will be able to file a joint CMC statement by August 31, 2017 as ordered.

10 **IT IS SO ORDERED.**

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12 Dated: August 24, 2017

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MARIA-ELENA JAMES
United States Magistrate Judge