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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

JOSE CRUZ, et al.,

Case No. 3:15-cv-00585-LB

Plaintiffs,

ORDER TO SHOW CAUSE

v.

AURORA LOAN SERVICES, LLC.,

Defendant.

The court entered its initial scheduling order on August 28, 2015. (Order, ECF No. 50.¹) That order referred the case to the court's mediation program, set an ADR completion date of January 14, 2016, and set a further case-management conference for January 14, 2016. (*Id.* at 2.) On October 21, 2016, the ADR unit referred the case for mediation with Victor Haydell at Farella Braun & Martell. (Notice, ECF No. 52.) According to the parties' joint-case management statement filed on January 7, 2016, 1) the plaintiffs' counsel was unable to reach the plaintiffs in November and December, 2015, 2) the mediator thus cancelled the parties' mediation that was set for December 16, 2015, 3) the plaintiffs failed to appear at their deposition that Aurora set for December 17, 2015, resulting in costs that Aurora wants the plaintiffs to reimburse, and 4) Aurora will renotece the depositions.

¹ Citations are to the Electronic Case File ("ECF"); pin cites are to the ECF-generated numbers at the tops of the documents.

1 (Joint CMC Statement, ECF NO. 54 at 2). At the case-management conference on January 14, 2016,
2 the plaintiffs' counsel did not appear in person or by telephone, even though he moved on January 7
3 to appear by telephone. (*See* Motion to Appear by Telephone, ECF NO. 56; Order Granting Motion,
4 ECF No. 57; Minute Entry, ECF No. 58.) The court set a further case-management conference on
5 January 21, 2016 and directed the plaintiffs' counsel to appear; again, he did not. (Minute Entry,
6 ECF No. 58; Minute Entry, ECF No. 59.) At the January 21 case-management conference, Aurora
7 notified the court that it had reset the depositions to February 25 and February 26, 2016.

8 Given these circumstances, the court orders the plaintiffs Jose and Bianca Cruz to show cause
9 why they have not appeared for their depositions and failed to participate in their mediation. To the
10 extent the issue is that the plaintiffs are not responding to their attorney's inquiries to them, the court
11 instructs them that they must stay informed about proceedings and orders them to do so. The court
12 warns the plaintiffs that failing to appear for their depositions and court-ordered mediation may
13 result in sanctions being imposed against them, including monetary sanctions in the form of
14 Aurora's costs and fees expended in scheduling depositions. The court also warns them that their
15 failure to participate in their litigation also may result in the court's dismissing their case for failure
16 to prosecute it. The court sets a hearing for February 18, 2016 at 9:30 a.m. and directs the plaintiffs'
17 counsel to file an explanation by February 11, 2016.

18 **IT IS SO ORDERED.**

19 Dated: January 23, 2016



20 _____
21 LAUREL BEELER
22 United States Magistrate Judge
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