

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACHARLEY LARRY,
Plaintiff,

v.

G4S SECURE SOLUTIONS INC.,
Defendant.

Case No. 15-cv-03062-JSC

**ORDER TO SHOW CAUSE TO DIANE
BERTRAM RE: CONTEMPT FOR
FAILURE TO APPEAR PURSUANT TO
DEPOSITION SUBPOENA**

On December 14, 2015, Plaintiff personally served non-party Diane Bertram with a subpoena to testify for a deposition on December 17, 2015 in the above-captioned civil case. (Dkt. Nos. 33-1 at 3, 11.) Ms. Bertram thereafter failed to appear for the noticed deposition. (Dkt. No. 33-1 at 16.) Following her non-appearance, Plaintiff filed the now pending Ex Parte Application for an Order to Show Cause re: Contempt. (Dkt. Nos. 33.) The Court issued an Order directing any opposition to the ex parte application to be filed by January 29, 2016 and directing Plaintiff to serve the Court's Order on Ms. Bertram. (Dkt. No. 36.) Although the process server made six attempts to serve Ms. Bertram with the Court's Order at the same address that the deposition subpoena had previously been served, the process server was unable to do so. (Dkt. No. 38 ¶ 3.)

Under Federal Rule of Civil Procedure 45(g), a party may seek an order to show cause as to why a contempt citation should not issue if a person "fails without adequate excuse to object to the subpoena or an order related to it." A contempt citation shall issue if a person "fails without adequate excuse" to respond. *See* Fed. Rule Civ. P. 45(g). Accordingly, the court issued an Order to show cause requiring Ms. Bertram to appear and show cause on March 4, 2016 as to why she should not be held in contempt. (Dkt. No. 41.) Ms. Bertram failed to appear as ordered.

1 Ms. Bertram shall be given one final opportunity to comply with the Court's Order. Ms.
2 Bertram is ORDERED TO APPEAR AND SHOW CAUSE **in person on April 21, 2016 at 1:30**
3 **p.m.**, in Courtroom F, 450 Golden Gate Ave., San Francisco, California 94102, as to why she
4 should not be held in contempt for failing to appear for the deposition pursuant to Federal Rule of
5 Civil Procedure 45(g). If she fails to appear, she will be held in civil contempt.

6 The United States Marshal shall serve this Order on Ms. Bertram at XXXXX
7 XXXXXXXXXXX XXXX. XXXX, XXXXXXXX, XX XXXXX.

8
9 **IT IS SO ORDERED.**

10 Dated: March 7, 2016

11
12 
13 JACQUELINE SCOTT CORLEY
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28