

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 RON CARTER, et al.,
5 Plaintiffs,
6 v.
7 XPO LOGISTICS, INC,
8 Defendant.

Case No. [16-cv-01231-WHO](#)

ORDER TO SHOW CAUSE

9 Defendant has moved to dismiss the claims of six FLSA opt-in plaintiffs, given those
10 plaintiffs' failure to respond to discovery. Dkt. No. 143.¹

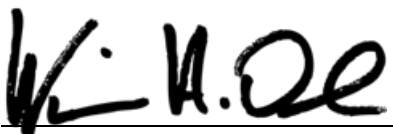
11 These six non-responsive opt-in plaintiffs are Ordered to Show Cause why their FLSA
12 claims should not be dismissed with prejudice and their state law claims dismissed without
13 prejudice under Rule 37 for failure to participate in discovery.

14 The six opt-in plaintiffs at issue may discharge this OSC by serving the outstanding
15 discovery on defendant on or before March 23, 2018. If any of these opt-in plaintiffs is unable to
16 respond to the discovery but believes good cause exists to excuse that failure and to maintain their
17 FLSA claims, plaintiffs' counsel shall file a declaration from that plaintiff explaining his specific
18 good cause.

19 If any of the six non-responsive opt-in plaintiffs fails to serve their discovery on defendant
20 by March 23, 2018 and fails to establish good cause excusing that failure, their FLSA claims shall
21 be dismissed with prejudice and their state law claims dismissed without prejudice.

22 **IT IS SO ORDERED.**

23 Dated: February 22, 2018

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25 

26 William H. Orrick
27 United States District Judge

28 ¹ The six opt-in plaintiffs at issue are: (i) Martin Arrambide, (ii) Alejandro Ascencio, (iii) Daniel Douglas, (iv) Edgar Espinal, (v) Henry Racinos, and (vi) Wayne Vivolo,