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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DIANE ANANIAN, et al.,  
Plaintiffs,  
v.  
SABADELL UNITED BANK, N.A.,  
Defendant.

Case No. [16-cv-01535-MEJ](#)

**ORDER TO SHOW CAUSE AND TO  
FILE PROOF OF SERVICE; ORDER  
SETTING HEARING**

Since removing the case to this Court, Keefe Roberts, counsel of record for Defendant Sabadell United Bank, N.A., has failed to meaningfully participate in this action and has flouted several orders issued by this Court. *See, e.g.*, Dkt. Nos. 17, 20. On July 8, 2016, this Court ordered Mr. Roberts to (1) file a declaration no later than on July 13, 2016 explaining the reasons for his conduct; (2) appear in person at the July 14, 2016 Case Management Conference (“CMC”); and (3) serve his client with a copy of the Order. Dkt. No. 21. The Order warned: “**ANY FURTHER NON-COMPLIANCE WILL LEAD TO THE ISSUANCE OF AN ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED ON DEFENDANT AND/OR ITS COUNSEL PURSUANT TO FED. R. CIV. P. 16(f)(1).**” *Id.* (emphasis in original).

On the afternoon of July 13, 2016, Mr. Roberts filed a request asking for permission to appear by phone at the CMC scheduled for the following day at 10:00 a.m. Dkt. No. 27. That motion was not granted. On July 14, 2016, he filed the declaration the Court had ordered be filed no later than the prior day. Dkt. No. 28. Mr. Roberts did not appear in person at the CMC. When the Court attempted to join Mr. Roberts telephonically, the number he provided on the docket went straight to voicemail, and the voicemail was full.

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The information Mr. Roberts provides in his late-filed declaration explains why he has not pursued the defense of this action, but it does not excuse it. It certainly does not excuse his non-compliance with the Court’s July 8, 2016 Order in the face of the unequivocal warning that an order to show cause would issue if he did not comply with the Court’s instructions.

Accordingly, the Court hereby **ORDERS** as follows:

- (1) **By July 21, 2016**, Mr. Roberts shall file with the Court proof of service showing he served both the July 8, 2016 Order and this Order upon his client in this matter.
- (2) **By July 28, 2016**, Mr. Roberts shall file a declaration to show cause as to why sanctions should not issue against him for his failure to participate in the defense of this action and his failure to comply with Court orders and deadlines. The Court shall either issue an order based on the declaration or conduct a hearing on August 11, 2016 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California.

**IT IS SO ORDERED.**

Dated: July 15, 2016

  
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MARIA-ELENA JAMES  
United States Magistrate Judge