

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORMAN SABEL,
Plaintiff,
v.
CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. 16-cv-04832-TEH

**ORDER SETTING CASE
MANAGEMENT CONFERENCE
AND PROVIDING FOR DISMISSAL
IF CONDITIONS NOT SATISFIED**

The Court held a case management conference (“CMC”) on June 26, 2017, at 1:30 PM. Plaintiff’s counsel, Mr. Tim Gomes, did not appear, nor did any other counsel on Plaintiff’s behalf. An attorney representing that he was asked to make a special appearance on Mr. Gomes’s behalf contacted the Court around 2:40 PM, well after the case had been called and the CMC completed.

Mr. Gomes previously failed to appear at the June 12, 2017 CMC but did ask Mr. John Lee to appear specially on his behalf. Unbeknownst to Mr. Lee in advance of the conference, Mr. James O’Gallagher also appeared and stated that he might be substituting in as counsel for Plaintiff.

At the June 26 CMC, Defendants’ counsel represented that she had spoken with Mr. O’Gallagher, who informed her that he would not be substituting in as counsel, and that she had also spoken with Mr. Gomes, who indicated his intent to remain as counsel of record. She further represented that she had earlier received email communications directly from Plaintiff Norman Sabel, to which she appropriately responded, with a copy to Mr. Gomes, that ethical rules prevented her from communicating directly with Mr. Sabel because he was represented by counsel.

The Court understands that Mr. Gomes is experiencing some personal problems and is not unsympathetic. However, the Court cannot allow these issues to grind this case to a halt. Mr. Gomes has already missed several CMCs; failed to withdraw his improperly

1 filed third amended complaint; failed to respond to discovery requests, even after being
2 granted extensions; and failed to respond to Defendants' motion to compel discovery and
3 for sanctions or to file a stipulation or motion to extend the briefing schedule.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. On or before **July 10, 2017**, Mr. Gomes shall file a declaration under penalty
6 of perjury that he sent a copy of this order to Mr. Sabel.

7 2. The parties shall file a joint case management conference statement on or
8 before **July 24, 2017**.

9 3. The parties shall appear for a case management conference on **July 31, 2017**,
10 **at 1:30 PM**, in Courtroom 12, 450 Golden Gate Avenue, San Francisco, California.

11 Mr. Gomes shall personally appear unless a substitution of counsel has been filed, in which
12 case new counsel must personally appear. No special appearances shall be permitted.

13 4. Failure to comply with any provisions of this order shall result in dismissal
14 of this case without prejudice.

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16 **IT IS SO ORDERED.**

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18 Dated: 06/29/17

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THELTON E. HENDERSON
United States District Judge

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