

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARUNASREE SWAPNA,
Plaintiff,
v.
UDAY KRISHNA DESHRAJ,
Defendant.

Case No.16-cv-05482-JSC

**ORDER TO SHOW CAUSE TO
PLAINTIFF**

Plaintiff Arunasree Swapna filed this action alleging state law privacy and tort claims against her ex-husband Defendant Uday Krishna Deshraj in September 2016. (Dkt. No. 1.) Although Plaintiff was initially represented by counsel, the Court granted her counsel’s motion to withdraw on July 11, 2017. (Dkt. No. 33.) At a subsequent Case Management Conference, the Court referred the parties for a Settlement Conference before Magistrate Judge James at her earliest convenience. (Dkt. No. 51.) The Settlement Conference was set for October 25, 2017. (Dkt. No. 52.) Defendant’s counsel thereafter moved to withdraw because Defendant wished to represent himself. (Dkt. No. 55.) The Court granted the motion, and shortly thereafter, Defendant filed a motion to dismiss and for summary judgment. (Dkt. Nos. 56, 59.) Because the parties had previously agreed to have dispositive motions heard after their Settlement Conference, the Court vacated the hearing date and ordered that the briefing schedule would be reset if necessary following the Settlement Conference. (Dkt. No. 61.)

On October 23, 2017, Plaintiff notified Judge James that she would not appear for her

1 Settlement Conference scheduled for October 25. (Dkt. No. 63.) Judge James issued an order
2 continuing the settlement conference to February 6, 2018. (*Id.*) The court stated in relevant part:

3 Plaintiff is ORDERED by the Court to appear for the Settlement
4 Conference on February 6, 2018. She will not be excused. Plaintiff
5 does not have counsel and the settlement cannot go forward without
6 her presence. If Plaintiff does not appear at the Settlement
7 Conference, in person, the Court shall issue an Order to Show.

8 (*Id.*)

9 On February 6, 2018, Defendant appeared for the Settlement Conference, but Plaintiff did
10 not do so **despite the Court's order that she appear in person.** (Dkt. Nos 63, 65.)

11 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE as to why this action should not
12 be dismissed for failure to prosecute and why she should not otherwise be sanctioned for failure to
13 appear at the mandatory Settlement Conference. *See* Fed. R. Civ. Pro. 41(b). **Plaintiff shall show
14 cause in writing on or before February 14, 2018.**

15 Defendant shall submit a statement detailing his expenses, if any, based on appearing for
16 the Settlement Conference on February 6, 2018. **Defendant shall submit such a statement on or
17 before February 14, 2018.**

18 In light of Plaintiff's failure to participate in the mandatory Settlement Conference, the
19 Court VACATES its prior Order staying Defendant's motion to dismiss and for summary
20 judgment until after the Settlement Conference. Plaintiff's opposition to the motion is now due
21 **February 21, 2018.** Defendant's reply if any is due February 28, 2018. The Court will take the
22 matter under submission upon completion of the briefing and notify the parties whether a hearing
23 is necessary.

24 If Plaintiff fails to respond to this Order, this action may be dismissed without further
25 notice and she may be ordered to pay Defendant's costs related to the February 6, 2018 Settlement
26 Conference.

27 **IT IS SO ORDERED.**

28 Dated: February 7, 2018


JACQUELINE SCOTT CORLEY
United States Magistrate Judge