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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH POLICARPIO,
Plaintiff,
v.
ALCON LABORATORIES, INC.,
Defendant.

Case No. [3:17-cv-00318-JD](#)

SECOND ORDER TO SHOW CAUSE

On April 27, 2017, the Court held an initial case management conference at which attorney Douglas Allen Prutton, counsel of record for plaintiff, failed to appear. Dkt. No. 18. On May 5, 2017, the parties agreed that plaintiff would file a first amended complaint. Dkt. No. 19. The amended complaint has not been filed. On May 22, 2017, the Court ordered attorney Prutton to show cause why he should not be sanctioned for his unexcused absence at the case management conference. Dkt. No. 21. Prutton did not respond to the order.

The Court has serious questions about the ability and intention of plaintiff and his lawyer to prosecute this action. Plaintiff and attorney Prutton will have one final opportunity to assure the Court that they will diligently prosecute this action and adhere to the Court's orders and our district's Local Rules. To that end, they are directed to file by **June 19, 2017**, a statement explaining why they failed to appear at the case management conference or respond to the order to show cause, and how they would like to proceed with the complaint. **Failure to respond to this order will result in dismissal of the case for failure to prosecute, and may also lead to monetary and attorney discipline sanctions.**

IT IS SO ORDERED.

Dated: June 7, 2017



JAMES DONATO
United States District Judge