UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

D.J.,

Plaintiff,

v.

WALNUT CREEK SCHOOL DISTRICT, et al.,

Defendants.

Case No. 24-cv-02660-LJC

ORDER TO SHOW CAUSE WHY DEFAULT SHOULD NOT BE ENTERED AS TO DEFENDANT SPECTRUM

ORDER TO FILE CONSENT OR DECLINATION

On October 16, 2024, the parties to this case filed a joint status report indicating that Defendant Spectrum "has been served with the Complaint, has a responsive pleading deadline of November 4, 2024, and is represented in this matter" by an attorney whose electronic signature appears on the status report, Craig Tomlins. ECF No. 27.[1] That deadline has passed, Spectrum has not filed a responsive pleading or motion, and Tomlins has not appeared in the case on its behalf.

Spectrum is ORDERED TO SHOW CAUSE why its default should not be entered, by filing a responsive pleading or motion no later than December 2, 2024. If Spectrum files a response by that deadline, this Order to Show Cause will be discharged, and default will not be entered. Spectrum may alternatively file by the same deadline a stipulation to extend time to respond to the Complaint, which under Civil Local Rule 6-1(a) would not require Court action. If Spectrum cannot obtain a stipulation and believes there is good cause to extend time, it may file an

[1] The joint status report did not include the attestation of consent to filing required by Civil Local Rule 5-1(i)(3). The Court nevertheless accepts the implicit representation by Plaintiff's counsel (whose ECF account was used to file the document) that Tomlin consented to filing and to the use of his signature. The parties are reminded to comply with the attestation requirement for future joint filings.

administrative motion to extend time no later than November 26, 2024, to allow time for the Court to consider the motion before the December 3, 2024 deadline.

Defendant Walnut Creek School District has filed a Motion to Dismiss. ECF No. 28. The undersigned magistrate judge cannot resolve that Motion without consent of all parties. Since Spectrum has not yet appeared, it has not yet filed its consent or declination to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c). Spectrum is ORDERED to file its consent or declination no later than December 3, 2024. A form to indicate consent or declination is available at https://www.cand.uscourts.gov/forms/civil-forms/.

If not all parties have consented to the jurisdiction of a magistrate judge by that deadline, this case will be reassigned to a United States district judge for all further proceedings, including resolution of Walnut Creek School District's Motion to Dismiss. Any party is free to decline to consent to the jurisdiction of a magistrate judge without substantive consequences.

Walnut Creek School District is ORDERED to serve a copy of this Order on Tomlin[2] by any means reasonably calculated to provide actual notice, and to file proof of such service no later than November 25, 2025.

IT IS SO ORDERED.

Dated: November 22, 2024

LISA J. CISNEROS
United States Magistrate Judge

[2] If Walnut Creek School District has reason to believe that Tomlin no longer represents Spectrum, it shall instead serve Spectrum or its new counsel, if any, and include a declaration with its proof of service explaining the basis for doing so.