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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

RANDOLPHT T. SCOTT,

No. C 09-1841 SBA

Plaintiff,

**ORDER TO SHOW CAUSE**

v.

[Docket No. 12]

UNUM LIFE INSURANCE COMPANY  
OF AMERICA AND, DOES 1  
THROUGH 10, INCLUSIVE,

Defendant.

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On March 26, 2009, Plaintiff filed suit against Defendant and others in the Superior Court of the State of California, County of Contra Costa. *See* Docket No. 1. On April 28, 2009, Defendant removed to federal court the present action brought against him by Plaintiff. The case was assigned to this Court as Case No. 09-1841. On May 1, 2009, the Court set a Case Management Conference for September 9, 2009. *See* Docket No. 5.

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On September 9, 2009, Plaintiff did not initiate the case management conference call, and the conference failed to take place.

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Accordingly, it is ORDERED that:

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- (1) Plaintiff shall appear in Courtroom 1 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **October 14, 2009, at 4:00 p.m.**, to show cause why the above-captioned case should not be dismissed without prejudice for failure to comply with the Court's order and/or for failure to prosecute.
  - (2) At least ten days prior to the above hearing, Plaintiff must file a "Certificate of Plaintiff" with the Clerk of the Court, to explain why the case should or should not be dismissed for failure to comply with the Court's order and/or failure to prosecute. The Certificate shall set forth the nature of the cause, its present status, the reason it has not been brought to trial or otherwise terminated, any basis for opposition to dismissal by any party, and its expected course if not dismissed.
  - (3) Please take notice that this Order requires **both** the specified court appearance

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**and** the filing of the Certificate of Plaintiff. Failure to fully comply with this order will be deemed sufficient grounds to dismiss the action and the related action.

- (4) Any party to this action, other than plaintiff, may file a statement, as described in paragraph (2), or appear at the hearing set in paragraph (1), to argue why this action should not be dismissed.

IT IS SO ORDERED.

September 9/18/09

  
Sandra Brown Armstrong  
United States District Judge