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10 **AMERICAN SECURITY INSURANCE COMPANY**

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND, CALIFORNIA

14 JAMES SUTTON AND LYNETTE
15 SUTTON,

16 Plaintiff,

17 v.

18 AMERICAN SECURITY
19 INSURANCE COMPANY, a
20 Delaware Corporation, and DOES 1
21 THROUGH 10,

22 Defendant.

23 AMERICAN SECURITY
24 INSURANCE COMPANY,

25 Third Party Plaintiff,

26 v.

27 HARTFORD FIRE INSURANCE
28 COMPANY,

Third Party Defendant.

No. 4:10-CV-05624 PJH

The Honorable Phyllis J. Hamilton

**[PROPOSED] ORDER TO SHOW CAUSE
RE SANCTIONS AGAINST HARTFORD
FIRE INSURANCE COMPANY AND ITS
COUNSEL OF RECORD**

On September 27, 2011, the Court issued an order setting a case
management conference for December 1, 2011 (Docket #30). Notice was electronically
mailed to both counsel of record for Hartford Fire Insurance Company ("Hartford"):

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CBM-IPG\SF533931

[PROPOSED] ORDER TO SHOW CAUSE RE SANCTIONS AGAINST HARTFORD

- 1 • Gary R. Gleason (ggleason@micleangleason.com and
- 2 gvieyra@micleangleason.com)
- 3 • William T Treas (jllooday@nielsenlawfirm.com and
- 4 sdufrene@nielsenlawfirm.com)

5 Counsel for Hartford did not file a case management conference statement and
6 provided no indication that they would not or could not attend. Notwithstanding counsel
7 for Hartford failed appear or provide any explanation for their non-appearance.

8 Counsel for American Security advised at the case management conference
9 that Hartford verbally agreed to a mutual release and dismissal of American Security's
10 third party complaint. Consequently, this Court ordered the parties to file the dismissal on
11 December 2, 2011 (Docket #33).

12 However, the parties did not file the dismissal in compliance with this Court's
13 Order. American Security's Notice of Settlement (Docket #34) advises that Hartford
14 failed to sign the release and dismissal drafted by American Security, and did not
15 otherwise respond to the proposed document.

16 Consequently, it appears that Hartford has failed to comply with two orders of
17 this Court: (1) Docket # 30 setting a case management conference for December 1, 2011;
18 and (2) Docket #33 requiring the parties to file the mutual release and dismissal by
19 December 2, 2011.

20 The Court therefore issues this Order To Show Cause why sanctions should not
21 be issued against Hartford and its counsel of record for failure to comply with these
22 Orders. The hearing on this Order To Show Cause is set for 12/15/2011 at 2:00pm, and
23 Hartford and its counsel of record shall file a statement addressing their non-compliance
24 by December 12, 2011.

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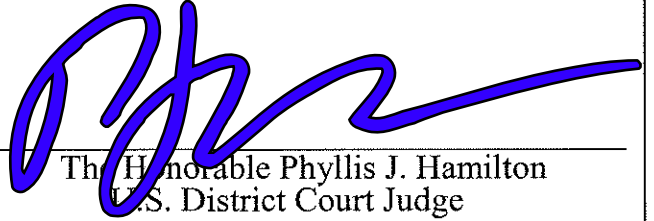
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1 If the parties file a full mutual release and dismissal completely resolving of
2 this matter before these dates, Hartford and its counsel are relieved of the obligation to file
3 a statement or appear for the hearing, and these dates will be taken off calendar.

4 Dated: December 5, 2011

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6 By



7 The Honorable Phyllis J. Hamilton
8 U.S. District Court Judge
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