

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SIMS, et al.,

No. C 11-04768 YGR (DMR)

Plaintiffs,

ORDER TO SHOW CAUSE

v.

WELLS FARGO HOME MORTGAGE, et al.,

Defendants.
_____ /

This matter was referred to the undersigned to conduct a settlement conference by no later than April 30, 2012. *See* February 3, 2012 Order of Reference to Magistrate Judge for Settlement Conference. By order entered February 10, 2012, a settlement conference was set for April 10, 2012 at 10:00 a.m. before this court. The court's order requires personal attendance at the settlement conference by all parties, and states, "***Pro se parties must attend the conference in person.***" February 10, 2012 Notice of Settlement Conference and Settlement Conference Order at 4. The order also requires the parties to submit to the court (1) an **Exchanged Settlement Conference Statement**; and (2) a **Confidential Settlement Letter**, no later than ten days before the settlement conference. *Id.* at 2.

On April 9, 2012, Plaintiff Michael Sims called the court's staff seeking continuance of the settlement conference due to medical or physical incapacity. Plaintiff was instructed that any request for continuance must be submitted in writing and supported by a physician's letter

1 confirming Plaintiff's medical limitations. As of April 10, 2012, Plaintiff had not filed, or emailed
2 to the court's proposed order email address, a request for continuance.

3 On April 10, 2012, the court held the settlement conference as ordered in this action. Neither
4 Plaintiff Michael Sims nor Plaintiff Sudie Sims appeared for the settlement conference, and the court
5 did not excuse either Plaintiff from the personal attendance requirement. Plaintiffs also failed to
6 submit the required settlement conference statement and confidential letter to the court.

7 IT IS HEREBY ORDERED that Plaintiffs Michael Sims and Sudie Sims show cause by
8 filing a written statement explaining in detail why they failed to submit a settlement conference
9 statement and letter, and why they failed to appear at the court-ordered settlement conference.
10 Plaintiffs must respond to the order to show cause by no later than April 20, 2012, by lodging, not
11 filing, their written response addressed to Magistrate Judge Donna M. Ryu, U.S. District Court,
12 1301 Clay Street, Oakland, California 94612. Plaintiffs must serve a copy of their written show
13 cause response to Defendants' attorney, and must provide a proof of service to the court.

14 Plaintiffs' failure to submit a response to the order to show cause may result in sanctions.

15 IT IS SO ORDERED.

16
17 Dated: April 10, 2012



DONNA M. RYU
United States Magistrate Judge