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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SIMS,

No. C-11-04768 YGR (DMR)

Plaintiff(s),

ORDER

v.

WELLS FARGO HOME MORTGAGE,

Defendant(s).

The court scheduled an April 10, 2012 settlement conference in this matter. The scheduling order required all parties to submit certain settlement materials, as well as to make a personal appearance at the settlement conference. Plaintiffs Michael Sims and Sudie Sims did not submit settlement statements, nor did they appear at the April 10 conference. As a result, the court ordered Plaintiffs to show cause by filing a written statement by no later than April 20, 2012 explaining these failures. (Docket No. 28).

The court subsequently engaged in telephonic settlement discussions with Michael Sims, as well as with counsel for Defendant. The court explained to Mr. Sims that Plaintiffs were not excused from making a timely response to the court's order to show cause; nevertheless, Plaintiffs failed to file a response. On April 30, 2012, Defendant filed a Notice of Non-Compliance, requesting terminating sanctions.

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The court does not recommend terminating sanctions as a remedy for the violations that are the subject of this order. However, the court admonishes Plaintiffs for their failure to follow two direct court orders (the settlement conference scheduling order, as well as the order to show cause), and notes that Plaintiffs' behavior is indicative of a failure to prosecute their case.

IT IS SO ORDERED.

Dated: May 3, 2012



DONNA M. RYU
United States Magistrate Judge