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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUSAN TYNAN
Plaintiff,
vs.
DIVERSIFIED COLLECTION SERVICES,
INC.,
Defendant.

Case No.: 12-CV-00739 YGR
ORDER TO SHOW CAUSE

TO ALL PARTIES AND COUNSEL OF RECORD:

Plaintiff’s counsel, G. Thomas Martin, is hereby **ORDERED TO SHOW CAUSE** why he should not be sanctioned for failing to appear at the Case Management Conference on January 7, 2013. (*See* Standing Order in Civil Cases at Section 6.) Defendant’s counsel informed the Court of a message received by Mr. Martin prior to the conference regarding his non-appearance. While notices of settlement were filed in this action and other related actions with Defendant, the Case Management Conference had not been taken off calendar, nor did Plaintiff’s counsel request to appear telephonically. No dismissal has been entered in this action. Moreover, being located in Southern California is not a reason excusing a personal appearance otherwise required by this Court.

At the Case Management Conference, Defendant’s counsel informed the Court that Plaintiff has not yet returned an executed settlement agreement.

A hearing on this Order to Show Cause shall be held on Friday, February 1, 2013, on the Court’s 9:01 a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 5. Plaintiff’s counsel must file a written response to this Order to Show Cause no later than January 25, 2013 explaining (i) counsel’s failure to appear, and (ii) why Plaintiff has not yet

United States District Court
Northern District of California

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signed the settlement agreement. If the settlement agreement has been signed and a dismissal is filed by January 25, 2013, the Court will take the Order to Show Cause hearing off calendar. If Plaintiff's counsel files a timely written response, but not a dismissal, and the Court is satisfied with Plaintiff's counsel's response, it will consider taking the Order to Show Cause hearing off calendar. Unless otherwise ordered, Plaintiff's counsel shall be required to appear personally at the hearing.

IT IS SO ORDERED.

Dated: January 7, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE