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

HARRY D. WITTHAUER, et al.,
Plaintiffs,
vs.
MCKESSON CORPORATION, et al.,
Defendants.

Case No.: 12-CV-5937 YGR
**ORDER TO SHOW CAUSE; CONTINUING CASE
MANAGEMENT CONFERENCE**

United States District Court
Northern District of California

On April 4, 2013, the Court stayed this case pending the Ninth Circuit’s decision of certain appeals. (Dkt. No. 62.) The Court ordered the parties, among other things, to file a notice of ruling when the Ninth Circuit terminated the appeal, and stated that failure to file such notice might “result in sanctions, including monetary sanctions or dismissal.” (*Id.*)

On September 12, 2013, the Court clarified that any notice of ruling was due no more than three days after the Ninth Circuit issued the opinion terminating appeal, and set a Case Management Conference for October 21, 2013. The undersigned’s Standing Order in Civil Cases requires parties to file an updated, joint case management statements seven days in advance of any case management conferences. *See* Standing Order in Civil Cases ¶ 6.¹

The Court understands that the Ninth Circuit resolved the relevant appeal on September 24, 2013. *See Romo v. Teva Pharm. USA, Inc.*, --- F.3d ---, 2013 WL 5314334 (9th Cir. Sept. 24, 2013).

¹ The Standing Order is available at: <http://cand.uscourts.gov/ygrorders>

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The parties are **ORDERED TO SHOW CAUSE** why they should not be sanctioned for failure to timely file (1) a notice of decision and (2) a joint case management statement.

A hearing on this Order to Show Cause will be held on **Friday, November 1, 2013** on the Court's **9:01a.m.** Calendar, in the United States Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 5.

By no later than **Friday, October 25, 2013**, the parties must file (1) a joint case management statement, which includes a statement that they have reviewed the Local Rules with respect to their responsibilities; and (2) a written response to this Order to Show Cause why they should not be sanctioned for their failure to timely file a joint case management statement and a notice of decision. If the Court is satisfied with the parties' response, the parties need not appear and the hearing will be taken off calendar. Otherwise, lead trial counsel must personally appear at the hearing. Neither a special appearance nor a telephonic appearance will be permitted. Failure to file a joint statement, written response or to appear personally will be deemed an admission that no good cause exists and that the imposition of monetary sanctions is appropriate.

The Case Management Conference set for Monday, October 21, 2013, is **CONTINUED to 2:00 p.m. on Monday, November 4, 2013.**

IT IS SO ORDERED.

Date: October 16, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE