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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 DAVID O. BACA,

7 Plaintiff,

8 vs.

9 STATE OF CALIFORNIA, DEPARTMENT
10 OF CALIFORNIA HIGHWAY PATROL,
11 SERGEANT GRIMES, SERGEANT TRUE,
12 OFFICER B. RODGERS, OFFICER M.
13 WILSON, OFFICER C. RANDALL,
14 OFFICER B. JEFFERS, OFFICER B.
15 PHILLIPS, and DOES 1-10,

16 Defendants.

Case No: C 13-02968 SBA

**ORDER DIRECTING PLAINTIFF
TO SCHEDULE MEDIATION**

16 On March 31, 2015, the Court issued an Order to Show Cause Re Dismissal
17 (“OSC”) directing Plaintiff to show cause why the action should not be dismissed. The
18 OSC was based on Plaintiff’s second failure to comply with the Court’s Order requiring the
19 parties to file a joint statement regarding settlement. Dkt. 89.

20 On April 6, 2015, Plaintiff’s counsel timely filed a response to the OSC. Dkt. 91.
21 On April 15, 2015, the Court vacated the OSC, and, pursuant to Plaintiff’s request, referred
22 the matter to Louis Leone for an ENE/Mediation (“Mediation”) session. Dkt. 92. The
23 Order stated, in pertinent part: “Within one week of the date this order is filed, the parties
24 shall schedule an ENE/Mediation session with Mr. Leone. Upon scheduling the session
25 with Mr. Leone, the parties shall forthwith jointly file a written notice indicating the
26 agreed-upon date.” *Id.* at 2 (emphasis added).


27 The Court did not receive any notice that the parties had scheduled the Mediation, as
28 specified in the Court’s April 15 Order. The Court has since been advised by the mediator

1 that, in fact, no date has yet been scheduled for the Mediation. The mediator indicated that
2 both he and defense counsel are available on May 21, May 26 or May 27, 2015, but that
3 Plaintiff's counsel has yet to respond to the Mediator's inquiry as to his availability on
4 those dates. Accordingly,

5 IT IS HEREBY ORDERED THAT Plaintiff shall forthwith notify the Mediator and
6 Defendants whether he is able to participate in a Mediation on May 21, May 26 or May 27,
7 2015. In the event that Plaintiff is unavailable on those dates, he shall meet and confer with
8 the Mediator and Defendants to schedule an alternate date. By no later than April 30, 2015,
9 Plaintiff shall file with the Court a notice indicating the date that has been scheduled for the
10 Mediation. THE FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE
11 DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION WITH PREJUDICE,
12 WITHOUT FURTHER NOTICE.

13 IT IS SO ORDERED.

14 Dated: April 27, 2015


SAUNDRA BROWN ARMSTRONG
United States District Judge

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