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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAKRISTINE BARNES,  
Plaintiff,  
v.  
RICK MORTELL, et al.,  
Defendants.Case No. [4:14-cv-02373-KAW](#)**ORDER DISCHARGING 8/12/15  
ORDER TO SHOW CAUSE**

Re: Dkt. No. 90

United States District Court  
Northern District of California

On June 18, 2015, Defendant Rick Mortell (a/k/a Eric Mortell) failed to appear at the properly noticed deposition in Houston, Texas. On August 12, 2015, the Court issued an order to show cause to Mr. Mortell to explain why he should not pay monetary sanctions to reimburse Plaintiff's counsel for the expenses incurred as a result of his failure to appear at the June 18, 2015 deposition. (Dkt. No. 90 at 2.)

On August 20, 2015, Plaintiff's counsel filed a declaration setting forth the attorneys' fees and costs incurred. On August 25, 2015, Mr. Mortell responded to the order to show cause. On September 28, 2015, Plaintiff filed a notice of settlement. Since that time, the parties have attempted to perform the conditions of settlement, which required the sale of the real property, which has not occurred due to the collapse of the housing market in Houston, Texas. (Pl.'s 9/27/16 Status Report, Dkt. 110.) The sale is further complicated by Defendants' default on their first lien mortgage, which resulted in Wells Fargo's successful motion to intervene. (*See id.*; Dkt. No. 121.) The intervention currently impedes the sale of the property, and, therefore, the resolution of this action.

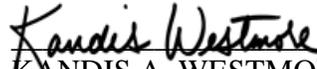
In light of Mr. Mortell's improved conduct in this litigation since his failure to appear at the deposition, the August 12, 2015 order to show cause is DISCHARGED, and the January 19,

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2017 hearing is VACATED.

IT IS SO ORDERED.

Dated: January 11, 2017

  
KANDIS A. WESTMORE  
United States Magistrate Judge