

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KRISTINE BARNES,  
Plaintiff,  
v.  
RICK MORTELL, et al.,  
Defendants.

Case No. 14-cv-02373-KAW  
ORDER GRANTING DEFENDANTS’  
REQUEST TO APPEAR  
TELEPHONICALLY; ORDER  
DISCHARGING ORDER TO SHOW  
CAUSE  
Re: Dkt. Nos. 60, 64-67

Defendants Rick Mortell (a/k/a Eric Mortell), Darlene Mortell, and Erika Mortell did not file a case management conference statement on or before December 9, 2014 as ordered, and none of the defendants appeared at the December 16, 2014 case management conference.

On December 18, 2014, the Court issued an order to show cause to the defendants to separately explain, in writing, why they should not each pay monetary sanctions in the amount of \$500 for their failure to appear at the case management conference. (Dkt. No. 60.) Additionally, the Court ordered the defendants to personally appear at the next case management conference to be held on February 17, 2015. *Id.*

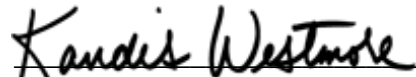
On January 15, 2015, Defendants responded to the orders to show cause. (Dkt. Nos. 65-67.) All three defendants submitted identical statements, which claimed that each of them “neglected to record the date” and asked not to “be fined for this error as the Attorney for the Plaintiff also did not appear for a Scheduling Conference....” *Id.* While mistakes do happen, an opposing party’s failure to comply with a similar court order is not sufficient reason to be relieved of sanctions for failing to appear. Nevertheless, in light of their compliance with the order to show cause, the Court will not order sanctions against Defendants Rick Mortell, Darlene Mortell, and Erika Mortell at this time. Future failures to appear may result in the imposition of monetary and

1 terminating sanctions. Accordingly, the order to show cause is discharged.

2 Also on January 15, 2015, Defendants filed a request to appear telephonically at the  
3 February 17, 2015 case management conference, despite being ordered to appear personally. (Dkt.  
4 No. 64.) Defendants claim that they do not have the financial resources to appear in person. *Id.*  
5 Accordingly, the Court GRANTS Defendants request to appear telephonically at the February 17,  
6 2015 case management conference. Defendants shall comply with the Court’s Standing Order on  
7 Procedures for Telephonic Appearances, available online at <http://cand.uscourts.gov/kaworders>.  
8 This includes personally arranging the telephonic appearance with CourtCall—a paid, private  
9 service—in advance of the hearing date. All Defendants must be present, because they are  
10 appearing pro se.

11 IT IS SO ORDERED.

12 Dated: January 21, 2015

13   
14 KANDIS A. WESTMORE  
15 United States Magistrate Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28