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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 GUMILDO DE LA LUZ, et al.,

8 Plaintiffs,

9 v.

10 PAPE MATERIAL HANDLING, INC.,

11 Defendant.

Case No. 16-cv-05062-PJH

**ORDER REQUIRING PLAINTIFFS TO
RESPOND TO MOTION FOR
INVOLUNTARY DISMISSAL**

Re: Dkt. No. 54

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13 The court is in receipt of defendant's motion to dismiss under Federal Rule of Civil
14 Procedure 41(b) based on plaintiffs' failure to prosecute this action and to comply with
15 this court's order compelling discovery. Dkts. 49, 54. Plaintiffs have failed to respond to
16 that motion and the deadline to do so passed on February 26, 2018.

17 Amongst other conduct indicating plaintiffs' failure to prosecute this action,
18 plaintiffs have wholly failed to participate in discovery. Though plaintiffs chose November
19 29, 2017, as the date of their deposition, they failed to appear on that date—without any
20 explanation or notice to defense counsel. Dkt. 54-1, Menendez Decl. ¶ 11. In response
21 to this failure and plaintiffs' general failure to respond to propounded discovery, the
22 defendant filed a motion to compel. Dkt. 46. After plaintiffs failed to respond to that
23 motion, the court granted the defendant's motion and ordered plaintiffs to respond to
24 defendant's propounded discovery by December 28, 2017. Dkt. 49. Plaintiffs also failed
25 to comply with that order. Menendez Decl. ¶ 12 (Defendant did not receive any discovery
26 responses.)

27 The court hereby ORDERS plaintiffs to respond to defendant's motion within
28 seven (7) days of this order. At minimum, plaintiffs' response must state (i) why plaintiffs

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failed to appear for their deposition on November 29, 2017, and (ii) why plaintiffs failed to comply with this court's December 21, 2017 order compelling discovery. A failure to provide an acceptable response to this order will result in plaintiffs' case being dismissed with prejudice.

IT IS SO ORDERED.

Dated: March 9, 2018



PHYLLIS J. HAMILTON
United States District Judge