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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
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6 **BERNARD LEWIS,**  
7 Plaintiff,

8 vs.

9 **DOW CHEMICAL CORPORATION,**  
10 Defendant.

CASE NO. 16-cv-06165-YGR

**ORDER TO SHOW CAUSE RE: PLAINTIFF'S  
FAILURE TO RESPOND TO SUMMARY  
JUDGMENT PRE-FILING LETTER**

Re: Dkt. Nos. 39, 41

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12 Counsel for the above-named plaintiff is hereby **ORDERED TO SHOW CAUSE** why he  
13 should not be sanctioned for failing to comply with this Court's Standing Order in Civil Cases  
14 ("Standing Order") regarding Pre-filing Conferences for Summary Judgment Motions.

15 The Court's Standing Order states at Section 9(a): "Within three (3) business days after  
16 receipt of the [moving party's] letter, any adversary wishing to oppose the motion must file a  
17 written response addressing the substance of the moving party's letter, with a copy to Chambers  
18 and the moving party. This response shall also be limited to three single-spaced pages, *including*  
19 any attached exhibits or supporting papers."

20 Defendant filed its pre-filing conference letter on February 14, 2018, and offered multiple  
21 dates for a pre-filing conference. (Dkt. No. 41.) To date, plaintiff has failed to file a response to  
22 that letter.

23 Further, on February 13, 2018, the Court issued an Order to Show Cause (Dkt. No. 40)  
24 why the Court should extend the discovery cutoff deadline as requested in plaintiff's portion of the  
25 parties' joint discovery letter brief (Dkt. No. 39). Pursuant to the Court's order, plaintiff was to  
26 file a statement responding to the order no later than Tuesday, February 20, 2018. As of the date  
27 of this Order, plaintiff has failed to file such statement.

28 In light of the fact that plaintiff has not shown cause to extend the discovery cutoff


1 deadline, plaintiff's request that the Court permit late discovery is **DENIED**. Accordingly, and  
2 additionally, because plaintiff neither sought leave to serve 43 extra interrogatories nor leave to  
3 file a motion to compel responses to the same, plaintiff's request regarding its extra interrogatories  
4 is **DENIED**.

5 A hearing on the Order to Show Cause as to plaintiff's failure to comply with the Court's  
6 Standing Order shall be held on **Wednesday, March 7, 2018, at 9:01 a.m.**, in the Federal  
7 Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1 to determine whether sanctions  
8 should be issued and the nature of such sanctions. Counsel must file a written response to this  
9 Order to Show Cause no later than **Monday, March 5, 2018**. Failure to do so will be deemed an  
10 admission that no good cause exists for plaintiff's failures and that the imposition of monetary  
11 sanctions is appropriate, in which case plaintiff's counsel shall pay **\$200.00** to the Clerk of Court,  
12 and defendant will be authorized to file its summary judgment motion without the need for a pre-  
13 filing conference.

14 This Order terminates Dkt. No. 39.

15 **IT IS SO ORDERED.**

16  
17 Dated: March 1, 2018

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

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