

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCA MORALES,
Plaintiff,
v.
DARAKAR, INC., et al.,
Defendants.

Case No. 17-cv-00648-KAW

THIRD ORDER TO SHOW CAUSE

Plaintiff Francisca Morales filed her complaint in this action on February 9, 2017. The last day for the joint inspection of premises was May 25, 2017, and the Plaintiff's notice of need of mediation was due within 42 days of the joint site inspection. (*See* Scheduling Order at 1, Dkt. No. 4; General Order 56 ¶ 7.) Plaintiff did not file a notice of need of mediation, and on September 14, 2017, the Court issued an order to show cause, requiring Plaintiff to explain why the case should not be dismissed for failure to prosecute. (Dkt. No. 16.)

That same day, Plaintiff filed a response, stating that the parties had discussed a potential resolution and that she had exchanged an initial settlement agreement with one of the Defendants. (Dkt. No. 16 ¶¶ 4, 6-7.) Plaintiff also stated that she would meet and confer with Defendants about a stipulation for administrative relief from the deadlines. (*Id.* ¶ 13.)

On October 3, 2017, the Court discharged the order to show cause. (Dkt. No. 17.) The Court noted, however, that Plaintiff had not filed a stipulation for administrative relief from the deadlines, and ordered Plaintiff to file a request or stipulation and proposed order for administrative relief from the deadlines within 14 days of the order. (*Id.* at 2.) The Court stated that the request for administrative relief need not be filed if Plaintiff filed a notice of settlement of the entire case. (*Id.*)

1 Plaintiff did not file a request or stipulation and proposed order for administrative relief.
2 On November 15, 2017, the Court issued a second order to show cause, again requiring Plaintiff to
3 show cause why the case should not be dismissed for failure to prosecute, and ordering Plaintiff to
4 file a request and proposed order for administrative relief from the deadlines. (Dkt. No. 18.)

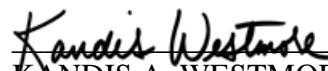
5 On December 6, 2017, Plaintiff filed an untimely response to the November 15, 2017 order
6 to show cause. (Dkt. No. 19.) Plaintiff stated that the parties were still working on settling the
7 case, but that due to uncertainty about the future of the subject property, "the case has languished."
8 (*Id.* ¶¶ 11, 13, 15.) Plaintiff thus requested a "brief continuance" to allow her to file for
9 administrative relief. (*Id.* ¶ 17.)

10 On December 8, 2017, the Court discharged the second order to show cause, and ordered
11 Plaintiff to file a request or stipulation and proposed order for administrative relief by December
12 15, 2017. (Dkt. No. 20.) On December 15, 2017, Plaintiff filed a request for administrative relief,
13 stating that the settlement agreement had not been fully executed and requesting additional time.
14 (Dkt. No. 21.) On December 19, 2017, the Court granted Plaintiff's request and extended the
15 deadline for filing the notice of need for mediation to March 19, 2018.

16 As of the date of this order, Plaintiff has again failed to file a notice of need for mediation
17 or request for administrative relief. Accordingly, the Court **again** ORDERS Plaintiff to show
18 cause, by **May 23, 2018**, (1) explaining why this case should not be dismissed for failure to
19 prosecute, (2) explaining why Plaintiff's counsel should not be sanctioned \$500.00 for repeatedly
20 failing to comply with court orders, and (3) filing a request or stipulation and proposed order for
21 administrative relief from the deadlines or, in the alternative, a notice of settlement of the entire
22 case. Failure to timely complete all tasks by the deadline will result in dismissal of the case and
23 imposition of sanctions.

24 IT IS SO ORDERED.

25 Dated: May 9, 2018

26 
KANDIS A. WESTMORE
27 United States Magistrate Judge
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