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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMANASSEH STOKES,
Plaintiff,
v.
SBS TRANSPORT, LLC,
Defendant.Case No. [20-cv-02084-JSW](#)**SECOND ORDER TO SHOW CAUSE
WHY THE COURT SHOULD NOT
DISMISS THE ACTION AND/OR
IMPOSE SANCTIONS**

On November 6, 2023, the parties stipulated to amend the scheduling order to extend their deadline to mediate to January 12, 2024. (Dkt. No. 33.) In their stipulation, which was approved by the Court, (Dkt. No. 34), the parties represented that extending the mediation deadline would not impact the class certification briefing schedule. (Dkt. No. 33.) Per the scheduling order, Plaintiff had until February 20, 2024 to file a motion for class certification. (Dkt. No. 32.)

The parties did not report to the Court that mediation was successful, yet Plaintiff did not file a motion for class certification by the February 20, 2024 deadline. Accordingly, on March 11, 2024, the Court issued an Order to Show Cause why the action should not be dismissed for failure to prosecute. (Dkt. No. 35, "First OSC".)

Plaintiff responded to the First OSC on March 15, 2024. In his response, he stated that discovery was ongoing, along with settlement discussions. (Dkt. No. 36.) On March 27, 2024, the parties filed a Joint Status Report stating that the parties had not agreed to a mediator and that the parties were unable to provide an estimate of when the case would resolve. (Dkt. No. 38.) Plaintiff's counsel stated Plaintiff did not intend to file a motion for leave to file a motion for class certification out-of-time. (*Id.*)

On August 16, 2024, the Court ordered the parties to submit, by September 3, 2024, an updated joint status report setting forth a joint proposed case management schedule. (Dkt. No.

United States District Court
Northern District of California

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39.)

The parties failed to comply with the Court’s Order. The parties did not file an updated joint status report or explain their failure to do so.

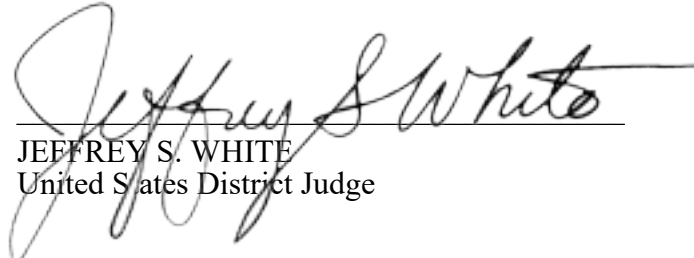
Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, why this action should not be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b). Failure to timely respond to this Order will result in dismissal of this action without further notice. The Court also advises Plaintiff that filing a dismissal will not discharge this Order to Show Cause.

The Court FURTHER ORDERS both parties TO SHOW CAUSE, in writing, why it should not impose sanctions for failure to comply with the Court’s August 16, 2024 Order.

The parties shall respond to this Order by no later than **September 27, 2024**.

IT IS SO ORDERED.

Dated: September 24, 2024



JEFFREY S. WHITE
United States District Judge