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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WALL MOUNTAIN COMPANY, INC.,)
)
Plaintiff,)
)
v.)
)
GARY EDWARDS,)
)
Defendants.)
_____)

Case No.: C 08-2579 PVT

**ORDER TO SHOW CAUSE WHY
ANSWER SHOULD NOT BE
STRICKEN AND A DEFAULT
JUDGMENT ISSUED AGAINST
DEFENDANT**

On March 26, 2009, this court issued an order that, among other things, scheduled a Case Management Conference for 2:00 p.m. on April 28, 2009 and ordered Defendant to file, no later than April 14, 2009, a signed copy of his answer that complies with Rule 11(a) of the Federal Rules of Civil Procedure, which provides:

“Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name — or by a party personally if the party is unrepresented. The paper must state the signer’s address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.”

The court noted that it is important for Defendant to provide his contact information so that he will receive copies of court orders, and if necessary the court can contact him about any last minute scheduling changes. The court expressly cautioned Defendant that **“FAILURE TO FILE A CORRECTED SIGNED ANSWER WITH HIS CURRENT CONTACT INFORMATION MAY RESULT IN HIS**

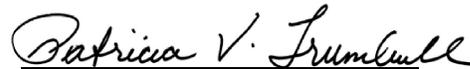
1 ANSWER BEING STRICKEN FROM THE COURT FILE, AND DEFAULT JUDGMENT BEING ENTERED
2 AGAINST HIM.”

3 Defendant failed to file a signed copy of his answer containing his mailing address by April
4 14, 2009, and as of the date of this order has still failed to do so. Defendant also failed to appear for
5 the scheduled Case Management Conference on April 28, 2009. Therefore,

6 IT IS HEREBY ORDERED that, no later May 22, 2009, Defendant shall file a declaration
7 showing cause, if any, why his answer should not be stricken and a default judgment entered against
8 him.

9 IT IS FURTHER ORDERED that no later than May 4, 2009, Plaintiff’s counsel shall serve a
10 copy of this order on Defendant by e-mail at the e-mail address Defendant has been using to
11 correspond with Plaintiff. After doing so, Plaintiff’s counsel shall promptly file a proof of service.
12 The court is ordering Plaintiff’s counsel to serve this order on Defendant by e-mail this one last time
13 as a courtesy,¹ to give Defendant a chance to respond to this order to show cause. **IN ORDER TO**
14 **CONTINUE RECEIVING COPIES OF THIS COURT’S ORDERS, DEFENDANT *MUST* FILE A DOCUMENT**
15 **WITH THE COURT THAT STATES HIS MAILING ADDRESS.**

16 Dated: 5/1/09

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18 PATRICIA V. TRUMBULL
19 United States Magistrate Judge
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¹ As the court previously noted, generally this court neither e-mails copies of its orders to parties, nor requires one party’s counsel to e-mail court orders to another party.