

1 **\*\* E-filed February 25, 2011 \*\***

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7 NOT FOR CITATION

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 LUIS SANDOVAL, et al.,

No. C09-04969 HRL

12 Plaintiffs,

**ORDER STRIKING “PLAINTIFFS’  
RESPONSES TO ORDER TO SHOW  
CAUSE”**

13 v.

14 AB LANDSCAPING, INC., et al.,

**[Re: Docket No. 46]**

15 Defendants.

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17 On February 15, 2011 this Court issued an Order directed to plaintiffs and their attorney to

18 Show Cause why the case should not be dismissed or sanctions imposed for their failure to

19 prosecute. Docket No. 42. The Order was set for hearing on February 22, at the same time as the

20 already scheduled Pre Trial Conference. Id. No suggestion was made that a written response to the

21 Order was desired. See id.

22 Nevertheless, plaintiffs’ counsel did file a document on February 19 captioned “Plaintiffs’

23 Response to Order to Show Cause” (“Response”). Docket No. 46. In it he gave his version of why

24 there had been delays in the timely preparation of the case for trial. Id. Unfortunately, the

25 explanation included a discussion of events and conversations occurring during the case’s Early

26 Neutral Evaluation. Id.

27 These revelations appear to violate this Court’s local ADR rules on confidentiality. See

28 ADR Local Rule 5-12.

Accordingly, counsel is admonished to learn and abide by the ADR rules.

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Also, because the Court ultimately discharged the Order to Show Cause (and did not dismiss the case or impose any sanctions), and because no legitimate purpose will be served by retaining the Response in the court file, the Response is ordered to be stricken and removed from ECF.

**IT IS SO ORDERED.**

Dated: February 25, 2011

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

