

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JODY LYNN VON HAAR,)	Case No.: 10-CV-02995-LHK
)	
Plaintiff,)	ORDER TO SHOW CAUSE
v.)	
)	
CITY OF MOUNTAIN VIEW, TONY)	
VIERYA, aka JOSE VIEYRA, TY ZEMLOK,)	
FERNANDO MALDONADO, Does 1-100,)	
)	
Defendants.)	

On May 4, 2011, the Court held a Case Management Conference. Although Plaintiff joined in the Case Management Statement filed by Defendants, neither Plaintiff nor Plaintiff’s counsel appeared at the Case Management Conference. In addition, counsel for Defendants indicated at the Case Management Conference that she had difficulty meeting and conferring with Plaintiff’s counsel regarding this case. The Court subsequently issued a Case Management Order that set forth deadlines for the parties to meet and confer and to complete certain discovery obligations. See Minute Entry and Case Management Order, May 4, 2011, ECF No. 30. In its order, the Court advised Plaintiff that if she failed to comply with the court-ordered deadlines, the Court could issue an order to show cause why the case should not be dismissed for failure to prosecute or why Plaintiff’s counsel and/or Plaintiff should not be sanctioned for failure to comply with a Court order.

1 On May 26, 2011, Defendants filed a notice advising the Court that Plaintiff had failed to
2 comply with the Court's Case Management Order. *See* Defendants' Report of Plaintiff's Non-
3 Compliance With Court Order, ECF No. 32. Defendants claim that Plaintiff has failed to comply
4 with the deadlines set forth in the Court's May 4, 2011 Order, as follows:

- 5 (1) Plaintiff's counsel failed to provide Plaintiff's dates of availability for deposition by May
6 11, 2011, as ordered by the Court;
- 7 (2) Plaintiff did not respond to Defendants' request to meet and confer by May 13, 2011, as
8 ordered by the Court;
- 9 (3) Plaintiff failed to produce initial disclosures by May 18, 2011, as ordered by the Court;
- 10 (4) Plaintiff failed to exchange documents designated in the initial disclosures by May 25,
11 2011, as ordered by the Court; and
- 12 (5) Plaintiff failed to respond to Defendants' draft protective order by May 18, 2011, as ordered
13 by the Court.

14 Plaintiff has not filed any response to Defendants' report of non-compliance. It therefore appears
15 that Plaintiff has abandoned litigation of this case. Accordingly, the Court hereby ORDERS
16 Plaintiff to show cause why the instant action should not be dismissed without prejudice for failure
17 to prosecute. **Plaintiff shall file a written response by June 20, 2011. If Plaintiff fails to timely
18 respond, the Court will dismiss the entire action without prejudice for failure to prosecute.
19 IT IS SO ORDERED.**

20 Dated: June 6, 2011

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22 _____
23 LUCY H. KOH
24 United States District Judge