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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CITY OF SUMMERSIDE,

CASE NO. 5:11-cv-00338 EJD

Plaintiff(s),

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE; SCHEDULING STATUS  
CONFERENCE**

v.

KATRINA BERG SUSSMEIER, et. al.,

Defendant(s).  
\_\_\_\_\_ /

On July 2, 2013, the court ordered Plaintiff City of Summerside (“Plaintiff”) to show cause why this case should not be dismissed after Plaintiff failed to file a Motion for Entry of Default Judgment as ordered. See Docket Item No. 116. Pursuant to a prior order filed in this action, Plaintiff was obligated to file the motion no later than June 28, 2013, for a scheduled hearing on August 2, 2013. See Docket Item No. 115. The court further ordered that “[m]odification of these deadlines will only be permitted through an administrative motion demonstrating good cause for the change.”

Plaintiff filed a response to the Order to Show Cause on July 12, 2013. See Docket Item No. 117. According to Plaintiff, it was unable to file the motion as ordered due to a pending bankruptcy action involving Defendant Katrina Berg Sussmeier (“Sussmeier”), which it believes must be resolved before the a default judgment can be entered.


It does appear prudent to allow for the resolution of Sussmeier’s bankruptcy action before proceeding against the remaining defendants. However, the order requiring Plaintiff to file the

1 motion by a certain date was nonetheless a court order expected to be followed, and it contained a  
2 specific directive in the event the deadline to file needed to be modified. Instead of filing an  
3 administrative motion as contemplated by the court, Plaintiff did nothing. That was not an option.  
4 To be sure, such inactivity leaves the court uninformed about the progress of this case and, in turn,  
5 results in show cause orders.

6 In any event, the court finds that Plaintiff has demonstrated sufficient good cause as required.  
7 Accordingly, the Order to Show Cause issued July 2, 2013, is DISCHARGED. The court schedules  
8 this case for a Status Conference on **September 27, 2013, at 10:00 a.m.** On or before **September**  
9 **20, 2013**, Plaintiff shall file a brief Status Conference Statement which provides an update on the  
10 statute of Sussmeier's bankruptcy action as well as discusses Plaintiff's readiness to file a Motion  
11 for Entry of Default Judgment. Plaintiff is advised that failure to file the Status Conference  
12 Statement as directed will result in the issuance of another Order to Show Cause for failure to  
13 comply with court orders.

14 **IT IS SO ORDERED.**

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16 Dated: July 22, 2013

  
EDWARD J. DAVILA  
United States District Judge

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