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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DOMINICK TENERELLI,
Plaintiff,
v.
LOCKHEED MARTIN SPACE SYSTEMS
COMPANY, et al.,
Defendants.

Case No. [15-cv-00012-BLF](#)

**ORDER LIFTING STAY AND SETTING
CASE SCHEDULE**

Plaintiff Dominick Tenerelli brings this suit alleging that Defendants Lockheed Martin Space Systems Company and Lockheed Martin Corporation discriminated against him, harassed him, retaliated against him, and terminated his employment in violation of public policy. Complaint ¶¶ 36-55. On October 21, 2015, the Court granted counsel for Plaintiff's motion to withdraw and stayed this case until December 3, 2015 to allow Mr. Tenerelli time to find new counsel. ECF 42. The Court also set a further case management conference for December 3, 2015 at 11:00 a.m. ECF 42, 43. Between October 21, 2015 and December 3, 2015, Mr. Tenerelli provided the Court with several updates regarding his search for new counsel. ECF 44 (Status Report on October 26, 2015), ECF 45 (Second Status Report on November 5, 2015), ECF 46 (Third Status Report on November 12, 2015), ECF 47 (Letter regarding status on obtaining replacement attorney from Dominick Tenerelli on November 19, 2015). At the December 3, 2015 case management conference, Mr. Tenerelli did not appear while counsel for Defendant was present. ECF 50.

It is not clear to the Court why Mr. Tenerelli did not appear at the December 3, 2015 case management conference without informing the Court. The Court advises Mr. Tenerelli that it will not tolerate future failures to comply with orders of this Court. Although based on his status

1 updates, Mr. Tenerelli is searching for new counsel, it does not appear that he is close to retaining
 2 new counsel. Since Mr. Tenerelli did not appear at the December 3, 2015 case management
 3 conference, and in the absence of a request to continue the stay, the Court LIFTS the stay on this
 4 action and Mr. Tenerelli must proceed *pro se* until he retains new counsel. The Court SETS the
 5 following case schedule:

| Event | Date Due |
|--|-------------------|
| Answer by Plaintiff to Defendants' counterclaim ¹ | January 11, 2016 |
| Opposition by Plaintiff to Defendants' motion for summary judgment | February 12, 2016 |
| Reply by Defendants to Defendants' motion for summary judgment | February 19, 2016 |
| Last day to file dispositive motions | March 16, 2017 |
| Final pretrial conference | July 6, 2017 |
| Trial | July 31, 2017 |

12 The Court advises Mr. Tenerelli that it is imperative that he complies with all rules,
 13 deadlines, and Court orders. The failure to prosecute this action or comply with the Federal Rules
 14 of Civil Procedure, Northern District of California's Civil Local Rules, or Court orders or
 15 deadlines can result in the dismissal of this case with prejudice. *See* Fed. R. Civ. P. 41(b). The
 16 failure to respond to the counterclaim or Defendants' pending motion for summary judgment may
 17 cause judgment to be entered against Plaintiff. The Court also advises Mr. Tenerelli that his *pro*
 18 *se* status will not be considered an excuse for future failures to comply with the rules and orders of
 19 this Court. *See King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) ("Pro se litigants must follow the
 20 same rules of procedure that govern other litigants.").

21 Mr. Tenerelli may wish to contact the Federal Pro Se Program, a free program that offers
 22 limited legal services and advice to parties who are representing themselves. The Federal Pro Se
 23 Program has offices in two locations, listed below. Help is provided by appointment and on a
 24 drop-in basis. Parties may make appointments by calling the program's staff attorney, Mr. Kevin
 25 Knestrick, at 408-297-1480. Additional information regarding the Federal Pro Se Program is

27 _____
 28 ¹ Although Defendants' counterclaim was served on Plaintiff's prior counsel, this was shortly
 before Plaintiff's prior counsel withdrew from the case. Accordingly, the Court requested that
 Defendants serve a courtesy copy of its counterclaim on Plaintiff, which Defendants did. ECF 49.

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available at <http://cand.uscourts.gov/helpcentersj>.

Federal Pro Se Program
United States Courthouse
280 South 1st Street
2nd Floor, Room 2070
San Jose, CA 95113
Monday to Thursday 1:00 pm – 4:00 pm
Fridays by appointment only

Federal Pro Se Program
The Law Foundation of Silicon Valley
152 North 3rd Street
3rd Floor
San Jose, CA 95112
Monday to Thursday 9:00 am – 12:00 pm
Fridays by appointment only

IT IS SO ORDERED.

Dated: December 7, 2015


BETH LABSON FREEMAN
United States District Judge