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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAGILBERT CHAVEZ,
Plaintiff,

v.

CITIMORTGAGE, INC.,
Defendant.

Case No. 17-cv-01205 NC

**ORDER STRIKING PLAINTIFF'S
LATE-FILED CMC STATEMENT,
AND ORDERING PLAINTIFF'S
COUNSEL TO SHOW CAUSE WHY
COURT SHOULD PERMIT
AMENDED COMPLAINT**

Dkt. Nos. 24, 28

The Court is concerned by a pattern of late and improper filings and failures to comply with Court rules and orders by plaintiff's counsel Nikhil Bhatnagar:

1. Plaintiff's CMC statement, Dkt. No. 28, was filed late, not jointly submitted, does not reflect communication with defendant's counsel, and was formatted strangely.
2. Non-compliance with ADR rules, Dkt. No. 25.
3. Amended Complaint, Dkt. No. 24, filed late, and seeks to add a party (US Bank) without leave of Court. In the Order granting in part defendant's motion to dismiss, the Court ordered that the amended complaint was due June 7 and that Chavez "may not add additional claims or parties absent leave of Court." Dkt. No. 22 at 13. Plaintiff did not seek, and was not granted, leave of Court,
4. Plaintiff's opposition to motion to dismiss, Dkt. No. 13, filed late.

Case No. 17-cv-02105 NC

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The Court therefore ORDERS as follows:

1. The Court strikes plaintiff’s CMC statement. Plaintiff’s counsel must confer with defendant’s counsel and re-file a joint CMC statement by June 26.
2. By June 26, plaintiff must either move to withdraw the First Amended Complaint, or explain in a filed motion why the Court should grant leave to file it. The motion must be accompanied by a document comparing the changes from the original complaint to the First Amended Complaint.
3. Plaintiff’s counsel must provide a copy of this order to his client Mr. Chavez and file a declaration by June 26 certifying that he has done so.
4. The Court will address these filings at the CMC on June 28 at 10:00 a.m. in courtroom 7, San Jose. Plaintiff’s counsel must appear in person.

IT IS SO ORDERED.

Dated: June 22, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge