UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JANE AND JOHN DOE,

Plaintiffs,

v.

IVO TANKU TAPANG,

Defendant.

Case No. 18-cv-07721 NC

ORDER SETTING HEARING ON DISCOVERY MATTERS AND ORDER TO SHOW CAUSE TO PLAINTIFFS FOR THEIR FAILURE TO PROSECUTE CASE AND COMPLY WITH RULES AND ORDERS

Re: Dkt. Nos. 66, 68

Defendant Tapang at Dkt. Nos. 66 and 68 has filed discovery motions requesting further disclosures from plaintiffs and a deposition date of plaintiff "Jane Doe." Plaintiffs did not timely respond to the motion requesting further disclosures. Dkt. No. 67. According to the defense at Dkt. No. 68, plaintiffs' counsel has not responded to requests for a date for the deposition of Jane Doe.

Under Federal Rule of Civil Procedure 41(b), if the plaintiff fails to prosecute or to comply with the Rules of Civil Procedure or a court order, the defendant may move to dismiss the action. A dismissal under this rule operates as an adjudication on the merits.

This order sets a hearing on Dkt. Nos. 66 and 68 for October 23, 2019, at 1:00 p.m. in San Jose courtroom 5. At the same time and place, the Court will consider whether this case should be dismissed for failure to prosecute under Rule 41(b). By October 16, Plaintiffs' counsel must file responses to Dkt. Nos. 66 and 68 and must file a written response to this order to show cause. Plaintiffs' counsel must serve this order on his clients and provide a declaration by October 16 that he has done so. Plaintiffs' counsel must

personally appear on October 23. Plaintiffs and their counsel are cautioned that if they do not timely respond to this order, the Court may dismiss their case and/or impose other sanctions under Fed. R. Civ. P. 37 and the civil local rules, including an award of attorneys' fees and costs against them.

The Court vacates the hearing noticed for November 13 on Dkt. No. 68.

IT IS SO ORDERED.

Date: October 3, 2019

Nathanael M. Cousins
United States Magistrate Judge