

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CLAUDE JURCHIN,)

Plaintiff,)

vs.)

PATRICK LUEBBERING,)

Defendant.)

Case No. 4:17 CV 2509 RWS

MEMORANDUM AND ORDER

This matter is before the Court on pro se plaintiff's motion to continue the Rule 16 conference. Although the motion gives no reason for the request, the Court will grant the motion and afford plaintiff a brief continuance of the scheduling conference. However, any future requests for a continuance must provide good cause for the request as well as a statement that plaintiff has contacted opposing counsel about the request. Any future requests for a continuance must also indicate whether or not opposing counsel consents to the request. Any future requests for a continuance filed without first contacting opposing counsel will be denied absent extraordinary circumstances.

Finally, the Court reminds plaintiff of his obligation as a pro se litigant to read and comply with all rules and Orders of this Court, including the Order setting this case for a Rule 16 conference, which required plaintiff to meet and confer with

opposing counsel to discuss a proposed schedule for this case. According to defendant, plaintiff has not contacted defense counsel and refuses to communicate with defense counsel about the scheduling plan. Therefore, this Court expects plaintiff to contact defense counsel upon receipt of this Order to discuss a joint proposed scheduling plan for this case. The joint proposed scheduling plan shall be filed by defendant no later than Monday, January 22, 2018. If plaintiff refuses to comply with this Order, he will be expected to show cause at the Rule 16 hearing why sanctions, which include a dismissal of this action, should not issue for his failure to comply with the Orders of this Court. Moreover, plaintiff must appear in person for the rescheduled Rule 16 conference. If he fails to do so, this Court will issue an Order to Show Cause why this case should not be dismissed for plaintiff's failure to comply with the Court's Orders and appear for the hearing as scheduled. **It is crucial that plaintiff comply with this and all Orders of this Court to avoid dismissal of his case.**


Accordingly,

IT IS HEREBY ORDERED that the motion continue Rule 16 conference [7] is granted, and the Rule 16 conference previously set for January 18, 2018 is reset to **Wednesday, January 24, 2018 at 2:30 p.m. in Courtroom 16-South.**

IT IS FURTHER ORDERED that plaintiff shall contact defense counsel to meet and discuss a joint proposed scheduling plan, **which shall be filed by**

defendant no later than January 22, 2018. Failure to comply with this Order will require plaintiff to show cause at the Rule 16 hearing why sanctions, including a dismissal of this action, should not issue for his failure to comply with the Orders of this Court.

IT IS FURTHER ORDERED that plaintiff must appear in person as ordered for the Rule 16 conference, and if he refuses to do so this Court will issue an Order to Show Cause why this case should not be dismissed for plaintiff's failure to comply with the Court's Orders and appear for the hearing as scheduled.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 16th day of January, 2018.