

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AMERICAN SAFETY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 09-2988(FSH)
	:	
DEFENSIVE DRIVING SKILL, et al.,	:	ORDER TO SHOW CAUSE
	:	
Defendants.	:	

This matter having come before the Court by way of letter dated December 1, 2009, regarding the defendant Adeblaziz's ["the defendant"] failure to produce his Rule 16 disclosures or a copy of the defensive driving book as required by the Orders dated October 2, 2009 and November 12, 2009;

and the plaintiff advising that the defendant has not provided these documents or any responses to its letters;

and the plaintiff representing that it served a copy of the November 13, 2009 Order upon the defendant, see Docket No. 36;

and the information that plaintiff seeks having been the subject of discussion at the Rule 16 conference held on October 2, 2009 and set forth in the Order dated October 2, 2009 and the Order dated November 12, 2009;

and it therefore appearing that the defendant has been notice of the information sought, the October 2, 2009 Order directing its production, and the November 4, 2009 Order requesting a letter regarding the status of discovery, and the November 12, 2009 Order again directing production of the information;

and defendant having failed to comply with these orders;

and the Orders having notified the defendant that failure to comply with the Orders may

result in sanctions;

and given the defendant's apparent noncompliance and for good cause shown,

IT IS ON THIS 1st day of December, 2009

ORDERED that, no later than **December 9, 2009 at noon**, the defendant shall show cause in a letter to the Court and plaintiff why sanctions, including a recommendation to the United States District Judge that Her Honor strike the defendant's Answer, enter default, and grant leave to the plaintiff to file a motion for the entry of default judgment, should not be imposed pursuant to Fed. R. Civ. P. 16 and/or 37 for his failure to comply with the Orders directing that he provide the plaintiff with: (1) Rule 26 disclosures; and (2) a copy of the defensive driving student workbook, including the copy that the defendant allegedly showed to Paul Odendahl in or around March 2009;

IT IS FURTHER ORDERED that all deadlines shall remain in full force and effect, including the requirement that the plaintiff's counsel and defendant Abdelaziz appear before the Undersigned on **December 10, 2009 at 2:00 p.m.** for a settlement conference. If the defendant fails to appear and fails to submit the letter required by the preceding paragraph, then the Undersigned will recommend to the United States District Judge that the following sanctions under Fed. R. Civ. P. 16 and 37 be imposed: (1) his Answer be struck, (2) default be entered, and (3) leave be granted to the plaintiff to file a motion for the entry of default judgment; and

IT IS FURTHER ORDERED that the plaintiff shall provide the defendant with a copy of this Order by regular mail and certified mail/return receipt requested and it shall file a proof of service with the Clerk of the Court.

s/Patty Shwartz
United States Magistrate Judge