

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 17-179 MV/GJF

JUSTIN DANLEY, et al.,

Defendants.

**ORDER TO SHOW CAUSE**

On August 29, 2017 at 10:00 a.m. MDT, the Court held a Rule 16 telephonic scheduling conference at which Melinda L. Wolinsky, counsel for Defendant New Mexico Department of Taxation and Revenue (“NMTRD”), failed to appear. *See* ECF No. 20. Ms. Wolinsky did not communicate with the Court in advance regarding her inability to appear. The CM/ECF system provided electronic notice of the scheduling conference to the parties on June 15, 2017.<sup>1</sup> *Id.*

The Court is aware that Ms. Wolinsky has filed an Unopposed Motion to Dismiss the Plaintiff’s complaint against NMTRD. ECF No. 22. The mere pendency of that motion is of utterly no moment. Not only has that motion not been ruled on, the motion did not also seek dismissal of the claims against NMTRD that were brought in Defendant J & M Storage’s crossclaim. *See* ECF No. 4 at 4 (“Crossclaim against *all other Defendants*”) (emphasis added). Consequently, Ms. Wolinsky’s client remains in this case and her appearance at this morning’s telephonic hearing was mandatory.

This is not Ms. Wolinsky’s first failure to comply with deadlines in this case. She failed to timely file an Answer or a Motion under Rule 12 [ECF No. 20], which resulted in the Court

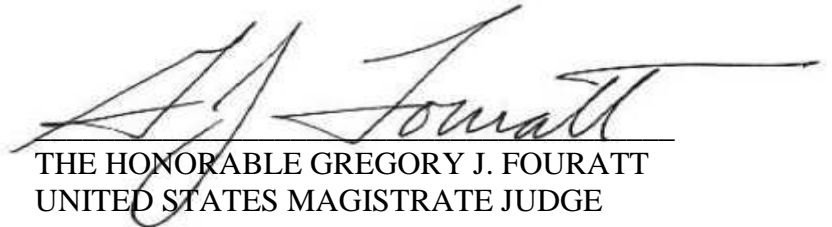
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<sup>1</sup> The CM/ECF system provided electronic notice of the hearing to Ms. Wolinsky at [melinda.wolinsky2@state.nm.us](mailto:melinda.wolinsky2@state.nm.us) on June 15, 2017 at 4:47 p.m. MDT.

issuing an Order to Show Cause.<sup>2</sup> *Id.* In light of Ms. Wolinsky's recidivist violations, the Court is contemplating the full panoply of appropriate sanctions.

THEREFORE, the Court **HEREBY ORDERS** Ms. Wolinsky, as well as Defendant New Mexico Department of Taxation and Revenue, through either Acting Cabinet Secretary John Monforte or General Counsel Tonya Noonan Herring, to **SHOW CAUSE**, by appearing in person at the United States Courthouse in Las Cruces, New Mexico in the Dona Ana Courtroom on September 8, 2017, at 10:00 a.m., to explain Ms. Wolinsky's failure to appear at the Rule 16 scheduling conference.<sup>3</sup>

**IT IS SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> Ms. Wolinsky also did not appear to the meet and confer for the Joint Status Report [ECF No. 23], but the Court understands that she did not appear due to a "serious family emergency[.]"

<sup>3</sup> Counsel for the other parties in this case are not required to attend this hearing.