



Hopson v. Nevis Enterprises Inc. et al

2014 | Cited 0 times | E.D. California | October 17, 2014

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1 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH HOPSON,

Plaintiff, v. NEVIS ENTERPRISES, INC. dba A-1 AUTO GLASS, et al.,

Defendants.

No. 2:14-cv-00548-KJM-AC

ORDER

On February 26, 2014, the court issued an order setting a status (pretrial scheduling) conference for July 10, 2014 at 2:30 pm. Order 1, ECF No. 3. In the same order the court required the parties to submit, at least seven days prior to the status conference, a joint status report, and “in the extraordinary event the parties are not able to file a joint status report,” each party was ordered to file an individual status report. Id. at 2-3. On July 8, 2014, the plaintiff moved to continue the pretrial scheduling conference for thirty days. Motion to Continue 1-2, ECF No. 5. The conference was vacated by minute order the same day and reset for August 14, 2014 at 2:30pm. ECF No. 6. On the court’s own motion, the conference was again reset by minute order on August 5, 2014 for September 18, 2014 at 2:30 pm. ECF No. 7. On September 15, 2014, the parties had not submitted a joint status report, joint or individual, and the court reset the status conference again by minute order for October 2, 2014. ECF No. 8. In the same minute 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

2 order, the court reminded the parties that failure to submit a status report could result in sanctions. On September 29, 2014 the parties had not submitted a status report, joint or individual, and the court vacated the status conference set for October 2, 2014. ECF No. 9.

On October 2, 2014, the court ordered the plaintiff to show cause why sanctions should not be imposed for failure to comply with the court’s order to submit a joint or individual status report. ECF No. 10. On October 9, 2014, Daniel Malakauskas, counsel for Mr. Hopson, responded to the court’s order to show cause, explaining complications in the service of process. ECF No. 11. Mr.



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Malakauskas is reminded that the court's February 26, 2014, order required the plaintiff to submit an individual status report "in the extraordinary event the parties are not able to file a joint status report." Order 2-3, ECF No. 3.

The court's pretrial orders, including scheduling and similar orders, are not "frivolous piece[s] of paper, idly entered, which can be cavalierly disregarded by counsel without peril." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992). Plaintiff is sanctioned in the amount of \$250, payable within fourteen days of the date of this order. Counsel shall not pass this cost on to his client.

IT IS SO ORDERED. Dated: October 17, 2014.

