

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

GS Holistic, LLC v. Crows Landing Smoke Shop, Inc.

No. 1:22-cv-01454-JLT-SAB, Order (E.D. Cal. Mar. 17, 2023) · No. 1:22-cv-01454-JLT-SAB · Decided March
17, 2023

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 GS HOLISTIC, LLC, Case No. 1:22-cv-01454-JLT-SAB 12 Plaintiff,
ORDER TO SHOW CAUSE IN WRITING WHY SANCTIONS SHOULD NOT ISSUE FOR 13
v. FAILURE TO COMPLY AND CONTINUING MANDATORY SCHEDULING
CONFERENCE 14 CROWS LANDING SMOKE SHOP, TO APRIL 6, 2023 INC., et al., 15
(ECF No. 6) Defendants.

16 DEADLINE: MARCH 22, 2023 17 18 Plaintiff GS Holistic, LLC initiated this action on
November 9, 2022. (ECF No. 1.) The 19 mandatory scheduling conference was initially set for
February 14, 2023. (ECF No. 3.) On 20 January 24, 2023, the Court issued an order requiring
Plaintiff to file a status report on service 21 and readiness for the scheduling conference.

(ECF No. 4.) Following submission of Plaintiff’s 22 response, the Court continued the scheduling
conference to March 23, 2023. (ECF No. 6.) The 23 parties were reminded they must file a joint
scheduling report no later than seven days prior to the 24 conference, that is, by March 16, 2023.
(Id.)

The parties did not, however, file a joint report on 25 March 16, 2023; instead, Plaintiff filed a
motion to strike all affirmative defenses in the answer.¹ 26 (ECF No. 10.) 27 Local Rule 110
provides that “[f]ailure of counsel or of a party to comply with these Rules 28 1 Defendant
answered the complaint on February 23, 2023. (ECF No. 9.) 1 | or with any order of the Court may
be grounds for imposition by the Court of any and all 2 | sanctions... within the inherent power of
the Court.” The Court has the inherent power to 3 | control its docket and may, in the exercise of
that power, impose sanctions where appropriate, 4 | including dismissal of the action.

Bautista v. Los Angeles Cnty., 216 F.3d 837, 841 (9th Cir. 5 | 2000). 6 The Court shall therefore
require the parties to show cause in writing why sanctions 7 | should not issue for the failure to file
a joint scheduling report in compliance with the Court’s 8 | January 31, 2023 order. (ECF No. 6.)
Further, the Court shall continue the hearing on the initial 9 | scheduling conference.

10 Accordingly, IT IS HEREBY ORDERED that: 11 1. The parties shall show cause in writing no
later than March 22, 2023, why 12 sanctions, including monetary sanctions or dismissal, should

not issue for the 13 failure to file a joint scheduling report as required by the Court's January 31, 2023 14 order; 15 2.

The initial scheduling conference is CONTINUED to April 6, 2023 at 10:30 a.m., 16 in Courtroom 9; 17 3. The parties shall file a joint scheduling report at least seven (7) days prior to the 18 scheduling conference; and 19 4. Failure to comply with this order will result in the issuance of sanctions. 20 IT IS SO ORDERED. DAM Le 22 | Dated: _March 17, 2023 _ Of 33 UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28