

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAMES MORRIS,)
)
Plaintiff,)
)
v.)
) Case No. 19-1056-JWB
BUHLER VERSATILE, INC.,)
)
Defendant.)

ORDER TO SHOW CAUSE

On March 21, 2019, the court set a telephone scheduling conference before the undersigned magistrate judge on May 6, 2019 at 11:00 a.m. (ECF No. 8). The initial scheduling order provided a telephone number for the parties to dial for joining the conference call. The order also directed the parties to submit their respective Fed. R. Civ. P. 26(a)(1) initial disclosures to the court by April 24, 2019.

Although the parties did submit their planning report on April 24, 2019, plaintiff failed to submit his Rule 26(a)(1) initial disclosures in advance of the scheduling conference, as required by the court's initial order. On May 6, 2019, defendant's counsel called in, but plaintiff's counsel failed to call in or otherwise inform the court of any conflict with the scheduling conference. When plaintiff's counsel still did not dial in after several minutes, defendant's counsel was informed that the scheduling conference would have to be rescheduled.

Under both Fed. R. Civ. P. 16(f) and D. Kan. R. 16.2(c), if a party or its attorney

fails to appear at a scheduling or other pretrial conference, the court has the discretion to impose sanctions, including dismissal or default. Plaintiff has offered no explanation to the court as to his failure to submit Rule 26(a)(1) initial disclosures and his failure to appear at the May 6, 2019 scheduling conference. Plaintiff is hereby required to show good cause in writing to United States District Judge John W. Broomes, on or before May 20, 2019, why this action should not be dismissed in its entirety, with prejudice, for lack of prosecution.

IT IS SO ORDERED.

Dated May 6, 2019, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge