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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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United States of America,

No. CV 11-0390-PHX-JAT

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Plaintiff,

ORDER

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vs.

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Business Recovery Services, LLC; Brian
Hessler,

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Defendants.

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IT IS ORDERED that Plaintiff’s renewed motion for discovery (Doc. 191) is denied.

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IT IS FURTHER ORDERED that Plaintiff’s motion to strike the answer of Defendant Business Recovery Service LLC (“BRS”) (Doc. 199) is granted; the amended answer of BRS filed at Doc. 176 is stricken (this Order does not affect the answer of Brian Hessler, which is also part of Doc. 176). Plaintiff may move for entry of default against BRS within 60 days. Plaintiff may move for default judgment against BRS within 90 days.

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IT IS FURTHER ORDERED that Plaintiff’s motion to exceed page limit (Doc. 204) is granted; the Clerk of the Court shall file the Motion for Summary Judgment and Exhibits found at Doc. 204, attachments 2-14.

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IT IS FURTHER ORDERED that the Court notes it previously ordered Mr. Hessler to update his address (Doc. 201). Mr. Hessler failed to comply with that order. The Government appears to be serving Mr. Hessler via email (*see* Doc. 204 at 3). The Court will not send documents to Mr. Hessler by email and will not continue to rely on the Government

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1 to provide Mr. Hessler with copies of Court orders. Further, the Court will not allow a
2 litigant to disregard a Court order. Thus, Mr. Hessler must update his address with the Court
3 by April 5, 2013. Mr. Hessler shall also respond to the Government's motion for summary
4 judgment by April 5, 2013. If Mr. Hessler fails to do both of these things, the Government
5 may move to strike his answer for failing to comply with a Court order pursuant to Federal
6 Rule of Civil Procedure 41(b).¹ If the Government so moves, the Government may also
7 include Mr. Hessler personally in their motions for entry of default and default judgment.

8 **IT IS FURTHER ORDERED** granting motion to submit certain exhibits non-
9 electronically (Doc. 205); Plaintiff shall deliver these exhibits (if it has not already done so)
10 to the Clerk of the Court within 14 days; **IT IS FURTHER ORDERED** that within 30 days,
11 Plaintiff shall also file a transcript of all recordings (Plaintiff shall file this as an additional
12 attachment to their motion for summary judgment).

13 **IT IS FINALLY ORDERED** that the Government shall send a copy of this Order
14 to Mr. Hessler.

15 DATED this 6th day of March, 2013.

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James A. Teilborg
Senior United States District Judge

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¹ In this circuit, the Court may not grant a motion for summary judgment as a sanction
for failing to respond to the motion. *Martinez v. Stanford*, 323 F.3d 1178, 1183 (9th Cir.
2003). However, this Court can dismiss a case for failing to comply with Court orders,
failing to prosecute or failing to defend. *See Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th
Cir. 1986).