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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. CV 10-1390-JST (OPx)

Date: October 20, 2011

Title: Marie Pittman v. Avish Partnership, et al.

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Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson

Deputy Clerk

N/A

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:    ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE:  
TIMELINESS OF DEFENDANTS' MOTION FOR  
SANCTIONS AGAINST PLAINTIFF'S COUNSEL (Doc. 80)**

On October 17, 2011, more than 90 days after the Court dismissed this case (Doc. 74), and more than 70 days after Plaintiff appealed the dismissal order (Doc. 76), Defendants filed a Motion for Sanctions against Plaintiff's Counsel Glenn A. Murphy. (Doc. 80.) Defendants' Motion fails to address how its filing is timely, or how this Court has jurisdiction to consider it while the Court's Order dismissing the action is on appeal to the Ninth Circuit.

Therefore, the Courts ORDERS:

- (1) Defendants shall show cause in writing no later than **November 14, 2011**, as to why their Motion is properly considered by the Court in light of the timing of its submission and the pending appeal of this case. Defendants may also discharge this Order to Show Cause by withdrawing their Motion.
- (2) The hearing for Defendants' Motion currently scheduled for November 14, 2011, at 10:00 a.m. is VACATED. If necessary after it considers the parties' responses to this Order to Show Cause, the Court will reschedule the hearing and set a revised briefing schedule for the filing of opposition and reply briefs.
- (3) Plaintiff's ex parte application to continue the hearing on Defendants' Motion (Doc. 81) is DENIED AS MOOT.

Initials of Preparer: enm