

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES -- GENERAL

Case No. **CV 13-6330-JFW (SHx)**

Date: December 19, 2013

Title: Brandon Kramer -v- Wilson Sporting Goods, Co., et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

**Shannon Reilly
Courtroom Deputy**

**None Present
Court Reporter**

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER STRIKING PLAINTIFF BRANDON KRAMER'S
MOTION FOR CLASS CERTIFICATION PURSUANT TO
FED. R. CIV. P., RULE 23
[filed 12/18/2013; Docket No. 37-1];**

ORDER TO SHOW CAUSE RE: SANCTIONS

On December 18, 2013, Plaintiff Brandon Kramer ("Plaintiff") filed a Motion for Class Certification Pursuant to Fed. R. Civ. P., Rule 23 ("Motion for Class Certification"), setting the hearing for March 17, 2014 at 1:30 p.m. in violation of the Court's Standing Order which provides: "No motion shall be noticed for hearing for more than 35 calendar days after service of the motion unless otherwise ordered by the Court. Documents not filed in compliance with the Court's requirements will be stricken and will not be considered by the Court." Standing Order at ¶ 5(a).

In addition, in the Notice of Motion, Plaintiff makes no representations with respect to his efforts to comply with Local Rule 7-3. Local Rule 7-3 requires that "counsel contemplating the filing of any motion shall first contact opposing counsel to discuss thoroughly, *preferably in person*, the substance of the contemplated motion and any potential resolution." Local Rule 7-3. This conference of counsel "shall take place at least seven (7) days prior to the filing of the motion." *Id.* "If the parties are unable to reach a resolution which eliminates the necessity for a hearing, counsel for the moving party shall include in the notice of motion a statement to the following effect: 'This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on (date).'" *Id.*

For the foregoing reasons, Plaintiff's Motion for Class Certification is **STRICKEN**. In addition, the Court orders Plaintiff to show cause, in writing, no later than **December 23, 2013**, why the Court should not impose sanctions in the amount of \$2,500.00 against lead counsel for failure

to comply with the Local Rules and the Court's Standing Order. No oral argument on this matter will be heard unless otherwise ordered by the Court. See Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the imposition of sanctions.

IT IS SO ORDERED.