## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

### **MEMORANDUM**

CV 15-1325 DSF (PLAx) Case No. Date 05/11/15 Title Michael Cohen v. S/V Bird of Paradise, et al. Present: The DALE S. FISCHER, United States District Judge Honorable Debra Plato Not Present Court Reporter Deputy Clerk Attorneys Present for Defendants: Attorneys Present for Plaintiffs: Not Present Not Present (In Chambers) Order to Show Cause **Proceedings:** 

On May 7, 2015, Plaintiff's counsel filed a document titled Notice of Unavailability of Counsel. This Court's Standing Order, filed in this case on February 25, 2015, provides:

## 20. "Notice of Unavailability"

While the Court expects that counsel will conduct themselves appropriately and will not deliberately schedule Court or other proceedings when opposing counsel are unavailable, a "Notice of Unavailability" has no force or effect in this Court. Such documents should not be filed.

The filing of the Notice of Unavailability violates this Court's Standing Order. To the extent the Notice was meant to communicate with the Court, it is inappropriate. Counsel lacks the authority to usurp the Court's control of its own docket. If anyone were subject to being sanctioned based on the "Notice of Unavailability," it would be Plaintiff for filing a document that has no legal basis. To the extent the Notice is meant to communicate with opposing counsel, it should not have been filed with the Court. The Court expects that all counsel will act professionally when scheduling depositions, hearings, etc.

Moreover, it is entirely inappropriate for counsel to suggest that this Court would

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impose sanctions under these circumstances.

Counsel is ordered to show cause in writing no later than May 18, 2015 why he should not be sanctioned in the amount of \$250 payable to the Clerk of the Court for violation of this Court's Standing Order. The Court will advise the parties if a hearing is to be held. Payment of \$250 to the Clerk of the Court by May 18, 2015 will be a sufficient response to this Order to Show Cause.

IT IS SO ORDERED.