



1 Defendants shall promptly serve this Order on Jesse Cretaro by:

2 (a) personal delivery of this document to any adult present at  
3 the following address:

4 5200 Wilshire Boulevard, Apt. 663, Los Angeles, CA 90036; and

5 (b) mailing a copy of the document as follows:

6 Jesse Cretaro

7 5200 Wilshire Boulevard, Apt. 663

8 Los Angeles, California 90036;

9  
10 In accordance with 28 U.S.C. section 636(e), the Magistrate  
11 Judge certifies the following facts:<sup>1</sup>

12  
13 1. Following a telephonic hearing on December 18, 2018, this  
14 Court granted Defendants' unopposed request for an Order directing  
15 third party Jesse Cretaro to provide responsive documents to a  
16 subpoena commanding production of documents on or before January 4,  
17 2019 and to appear for a deposition (as set forth in the amended  
18 deposition notice) on January 16, 2019 at 9:00 a.m. The Court's  
19 electronic docket reflects that the December 18, 2018 Order, which  
20 was mailed to third party Jesse Cretaro at 5200 Wilshire Blvd.,  
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22 <sup>1</sup> The question of whether Jesse Cretaro should be held in  
23 contempt on these certified facts, and the question of the  
24 appropriate sanctions to be imposed, if any, are commended to the  
25 District Judge for her consideration. See 28 U.S.C. § 636(e); see  
26 also Bingman v. Ward, 100 F.3d 653, 658 (9th Cir. 1996); Taberer v.  
27 Armstrong World Industries, Inc., 954 F.2d 888, 903-908 (3rd Cir.  
1992). The limited contempt powers granted to Magistrate Judges in  
the "Federal Courts Improvement Act of 2000" do not extend to the  
circumstances presented in the instant case. See 28 U.S.C. §  
636(e).

1 Apt. 663, Los Angeles, CA 90036, was returned to the Court as  
2 undeliverable mail on January 9, 2019. (Dkt. Nos. 57-59).

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4 2. On January 25, 2019, the Court held a telephonic hearing  
5 regarding Defendants' unopposed request for an order to show cause  
6 why Jesse Cretaro should not be held in contempt and directed  
7 counsel to file an application for order to show cause with  
8 documentation supporting their contention that Mr. Cretaro was  
9 residing at 5200 Wilshire Blvd., Apt. 663, Los Angeles, CA 90036,  
10 the address at which Mr. Cretaro was served with subpoenas and the  
11 address to which the Court's December 18, 2018 Order was mailed.  
12 (Dkt. Nos. 61; 63 at 5).

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14 3. The Court's electronic docket reflects that on February  
15 19, 2019, Defendants filed a "Notice of Application for Order to  
16 Show Cause re Contempt and Sanctions, including Attorneys Fees"  
17 against Jesse Cretaro, (Dkt. No. 63), setting forth the following  
18 facts:

19 a. On October 25, 2018, Jesse Cretaro was served with  
20 subpoenas to produce documents no later than November 9, 2018 and  
21 to appear for a deposition on November 16, 2018. (Dkt. No. 63-1).

22  
23 b. On December 18, 2018, the Court issued an order  
24 directing third party Jesse Cretaro to provide responsive documents  
25 to a subpoena on or before January 4, 2019 and to appear for a  
26 deposition on January 16, 2019 at 9:00 a.m.

