

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

DAVID FARRELL,  
Plaintiff,

v.

BJ's RESTAURANT  
OPERATIONS COMPANY,  
Defendant.

CV 20-3771 DSF (Ex)

ORDER TO SHOW CAUSE RE  
SANCTIONS

On July 11, 2022, this Court held a hearing on Plaintiff's Motion for Approval of PAGA Settlement and Release. At the hearing, the Court described numerous errors in the documents submitted and raised other concerns. Plaintiff's counsel was ordered to file corrected documents. On July 13, 2022, Plaintiff filed Plaintiff's Amended Memorandum of Points and Authorities in Support of Motion for Approval of PAGA Settlement and Release. Dkt. 30. After reviewing docket 30, the Court issued the following Order:

The document filed as docket 30 fails to comply with the Court's orders concerning the issues addressed at the hearing on June 11, 2022. The Court suggests that Plaintiff obtain a copy of the court reporter's transcript so that counsel can address those issues properly. Among other things, counsel has not corrected all of the mathematical errors. In addition, counsel appears to have verified that the California Unclaimed Property Division

exists, but not – as the Court directed – that the Department would accept funds of the type referred to in Plaintiff’s proposed settlement.

In addition, the Amended Memorandum of Points and Authorities is not searchable as required by Local Rule 5-4.3.1 and is therefore stricken. Counsel must file a new motion correcting all of the deficiencies identified by the Court.

The proper amounts to be distributed must be included in the proposed order. The letter to employees must specifically state that any funds not claimed will be sent to the Unclaimed Property Division (assuming that is appropriate) rather than to the State of California – as the Court indicated at the hearing.

Dkt. 31. This Order was issued on July 15, 2022 at 4:06 p.m.

On July 15, 2022 at 6:11p.m. Plaintiff filed another document titled Plaintiff’s Amended Memorandum of Points and Authorities in Support of Motion for Approval of PAGA Settlement and Release. Dkt. 32. This document appears to be identical to the document filed at docket 30. It does not appear that Plaintiff’s counsel complied with any of the Court’s requirements in its July 15 Order. Plaintiff’s counsel is therefore ordered to show cause in writing no later than August 24, 2022, why he should not be sanctioned in the amount of \$750 for his failure to comply with this Court’s orders. A hearing on this Order to Show Cause will be held on August 22, 2022 at 1:30 p.m. The filing of documents that comply with all of this Court’s orders made on July 11 and in its July 15 Order will constitute satisfaction of this Order. Failure to comply will result in additional sanctions, which may include dismissal with prejudice.

IT IS SO ORDERED.

Date: August 2, 2022

---

Dale S. Fischer  
United States District Judge