

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 20-4288-KS Date: March 31, 2021

Title *Narine Ghadianian v. Andrew M. Saul*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: SANCTIONS FOR FAILURE TO COMPLY WITH COURT ORDER

On May 12, 2020, Plaintiff filed a Complaint in this social security case pursuant to 42 U.S.C. § 405(g). (Dkt. No. 1.) On May 14, 2020, the Court issued its Scheduling Order, which gave Plaintiff 35 days from the filing of the Answer to provide government counsel with her portion of the joint submission. (Dkt. No. 9.) On December 14, 2020, Defendant filed an Answer. (Dkt. 18.) Plaintiff therefore had until January 18, 2021 to provide defense counsel with her portion of the joint submission. On February 26, 2021, defense counsel filed a Notice of Nonreceipt of Plaintiff’s Portion of the Joint Submission (Dkt. No. 20), in which defense counsel indicated that more than a month had passed since Plaintiff’s deadline for providing defense counsel with Plaintiff’s portion of the joint submission but defense counsel had yet to receive Plaintiff’s portion.

On March 1, 2021, the Court ordered Plaintiff’s counsel, Suzanne Leidner, to show cause why she should not be sanctioned for failure to comply with court orders and ordered Ms. Leidner to appear for a status conference via Zoom. (Dkt. No. 21.) On March 12, 2021, Ms. Leidner filed her response to the Court’s order, requesting an extension of time to forward Plaintiff’s portion of the Joint Stipulation up to and including March 17, 2021. (Dkt. No. 22.) On March 15, 2021, the Court granted the request for an extension and stated that no further extensions would be permitted. (Dkt. No. 23.) On March 17, 2021, the Court denied Ms. Leidner’s second request for an extension of time to forward Plaintiff’s portion of the Joint Stipulation and scheduled a status conference on the issue. (Dkt. No. 24-25.)

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Following the status conference via Zoom on March 18, 2021, the Court ordered Ms. Leidner to, on or before March 29, 2021, either submit Plaintiff’s portion of the Joint Stipulation, or file a statement of no more than three pages confirming that new counsel had been appointed to represent Plaintiff in this case. (Dkt. No. 26.) The Court stated that if Ms. Leidner failed to file a response by March 29, 2021, the Court would issue an Order to show cause why she should not be personally sanctioned for failure to comply with the Court’s Order. (*Id.*) On March 30, 2021, Defendant filed a Notice of Nonreceipt of Plaintiff’s Portion of the Joint Submission, stating that Ms. Leidner failed to submit Plaintiff’s portion of the Joint Submission by the March 29, 2021 deadline. (Dkt. No. 27.) Further, Ms. Leidner has not filed a notice of substitution of counsel, nor has new counsel made an appearance in this case.

In light of the foregoing, **IT IS HEREBY ORDERED THAT SUZANNE LEIDNER SHALL SHOW CAUSE why she should not be personally sanctioned in the amount of \$1,200** for failure to comply with court orders. It is within the Court’s inherent power to sanction a party for failure to comply with a court order. *Chambers v. NASCO, Inc.* 501 U.S. 32, 43 (1991) (recognizing court’s inherent power to manage their affairs “so as to achieve the orderly and expeditious disposition of cases”); *Fink v. Gomez*, 239 F.3d 989, 991 (9th Cir. 2001) (sanctions appropriate in response to willful disobedience of court order). Here, Ms. Leidner has repeatedly disregarded Court orders.

In order to discharge this Order, Ms. Leidner must, no later than Monday, April 5, 2021, file an affidavit with the Court demonstrating exceptional circumstances for her failure to comply with the Court’s March 18, 2021 Order. The affidavit must be signed under penalty of perjury.

Plaintiff’s counsel’s failure to timely comply with the terms of this Order will result in an order imposing sanctions in the amount of \$1,200.

IT IS SO ORDERED.

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