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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARILYN SALI et al.,) Case No. EDCV 14-0985-PSG (JPRx)
)
Plaintiffs,)
) CERTIFICATION FOR ORDER TO SHOW
vs.) CAUSE RE CONTEMPT
)
UNIVERSAL HEALTH SERVICES)
et al.,)
)
Defendants.)

Defendants seek an Order to Show Cause re Contempt against Plaintiffs' counsel, to be heard by the District Judge, concerning Plaintiffs' counsel's refusal to pay a previously ordered sanctions award. The Court hereby grants the request.

STATEMENT OF CERTIFIED FACTS

On April 7, 2015, the undersigned denied Defendants' ex parte application to compel two depositions but ordered Plaintiffs' counsel, Jerusalem Beligan, to make expert Mark Falkenhagen available for deposition on April 13,¹ as Beligan had

¹The Court actually "instructed" Beligan to do so. An instruction by a judge is the equivalent of an order, however. See *Instruct*, Merriam-Webster Dictionary, <http://www.merriam->

1 indicated he was willing to do. (See Apr. 7, 2015 Order at 2.)
2 The docket reflects that Plaintiffs did not seek review of the
3 order. According to Defendants' counsel, neither Falkenhagen nor
4 Plaintiffs' counsel appeared for the deposition, nor did they
5 provide notice to Defendants that they would not attend. (OSC
6 Req., Fahimi Decl. ¶¶ 2-3 & Ex. A.)

7 On June 9, 2015, the undersigned granted in part Defendants'
8 request for sanctions related to Plaintiffs' failure to produce
9 Falkenhagen on April 13, ordering Plaintiffs' counsel to pay
10 Defendants \$15,112 no later than June 16. (June 9, 2015 Order at
11 4.) Plaintiffs' counsel have apparently refused to do so,
12 stating in emails to Defendants' counsel that they "intend to
13 appeal the Court's order" and that they "don't believe [we] have
14 to comply with the order when we disagree with" it. (OSC Req.,
15 Fahimi Decl. ¶¶ 4, 6 & Exs. B, D.)

16 The time for seeking reconsideration of the sanctions order
17 under Local Rule 72-2 expired on June 23, 2015, without
18 Plaintiffs seeking such review. See C.D. Cal. R. 72-2.1
19 (requiring that any party seeking to object to nondispositive
20 magistrate-judge order "must file a motion for review by the
21 assigned District Judge" within 14 days of service of written
22 ruling). According to Defendants, as of the July 9 filing of
23 their OSC request, Plaintiffs' counsel had not paid the ordered
24 sanctions. (OSC Req., Fahimi Decl. ¶ 7.)

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webster.com/dictionary/instruct (last visited Aug. 3, 2015)
(defining "instruct" as "to give someone an order or command").

1 whether Defendants have shown by clear and convincing evidence
2 that Plaintiffs' counsel violated an earlier Court order.

3 Defendants have clearly satisfied their burden. Indeed,
4 Plaintiffs' counsel has apparently acknowledged that he has not
5 complied with the June 9 order (or the April 7 one, for that
6 matter), claiming that he was not obligated to because he intends
7 to appeal. The time for requesting review by the District Judge
8 has long passed, however, without Plaintiffs' seeking such
9 review. Although it is not the undersigned's function or
10 responsibility to determine whether Plaintiffs' counsel was
11 justified in disobeying the sanctions order, the Court's
12 reasoning in ordering sanctions is fully explained in its June 9
13 order.

14 For the foregoing reasons, the undersigned certifies the
15 facts stated above.

16 **ORDER TO SHOW CAUSE**

17 IT THEREFORE IS ORDERED that Jerusalem Beligan appear on
18 August 14, 2015, at 10 a.m., in the Courtroom of the Honorable
19 Philip S. Gutierrez, U.S. District Judge, to show cause why he
20 should not be adjudged in contempt by reason of the facts
21 certified in the undersigned's Certification for Order to Show
22 Cause re Contempt.

23
24
25 DATED: August 10, 2015



JEAN ROSENBLUTH
U.S. MAGISTRATE JUDGE