

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FOX HOLLOW OF TURLOCK OWNERS' ASSOCIATION, et al.,)	1:03cv5439 OWW DLB
)	
)	ORDER TO SHOW CAUSE WHY
Plaintiffs,)	SANCTIONS SHOULD NOT BE IMPOSED
)	UNDER RULE 11
v.)	
)	Date: August 12, 2011
RICHARD SINCLAIR, et al.,)	Time: 9:00 a.m.
)	Courtroom 9
)	
Defendants.)	

The Court has denied Richard Sinclair’s Motion to Disqualify opposing counsel and now issues this Order to Show Cause why sanctions should not be imposed under Federal Rule of Civil Procedure 11(c)(3).

Federal Rule of Civil Procedure 11(a) requires that “[e]very pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney’s individual name...” Rule 11(b) further provides that by presenting a pleading or written motion to the Court, an attorney is certifying that the motion is not being presented for “any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation” and that the “allegations and other factual contentions have evidentiary support . . .” Fed.R.Civ.Proc. 11(b)(1) and (3).

In denying Mr. Sinclair’s Motion to Disqualify, the Court found that the motion was an attempt to delay the proceedings and/or increase the costs of litigation in violation of Rule 11(b).

