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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROGER McINTOSH,

Plaintiff,

vs.

CASE NO. CV F 07-1080 LJO GSA

**ORDER TO STRIKE BELATED CROSS
CLAIMS**

NORTHERN CALIFORNIA
UNIVERSAL ENTERPRISES,
INC., et al,

Defendants.

AND RELATED CROSS-ACTION.

This Court’s November 12, 2009 order required defendants Northern California Universal Enterprises Company, Inc. (“NCUE”) and Lotus Developments, L.P. (“Lotus”) to show cause why this Court should not impose sanctions for disobedience of this Court’s scheduling order and belated filing of cross claims well after discovery and motion deadlines had passed. NCUE and Lotus’ counsel filed a November 16, 2009 declaration which offers no good cause to disobey the scheduling order or to file belated cross claims against defendants City of Wasco (“Wasco”) and Dennis W. DeWalt, Inc. (“DeWalt”). In fact, the declaration reveals counsel’s awareness of the scheduling order and knowing disobedience of it. As such, this Court STRIKES the cross claims against Wasco and DeWalt (doc. 187, p. 11, ln. 1 to p. 17, ln. 11). See F.R.Civ.P. 16(f)(1)(C).

1 NCUE and Lotus' counsel again demonstrates disregard of this Court's orders. This Court will
2 not tolerate such disobedience which it will consider for future sanctions.

3 This Court again ADMONISHES all parties and counsel to comply with this Court's orders,
4 Local Rules and the Federal Rules of Civil Procedure. This Court requires counsel, as officers of the
5 Court, to comply with their ethical and professional obligations.

6 IT IS SO ORDERED.

7 **Dated:** November 17, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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