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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	1:07cv01741 OWW DLB
)	
)	
Plaintiff,)	ORDER DISREGARDING
)	PLAINTIFF'S DECLARATION
)	(Document 86)
v.)	
)	ORDER REQUIRING
JOHN L. CABRAL, et al.,)	PLAINTIFF TO SUBMIT
)	RESPONSIVE DECLARATION
)	
Defendants.)	

On October 17, 2008, Plaintiff United States of America ("Plaintiff") filed a motion to compel Defendant John L. Cabral ("Defendant") to appear at his deposition. Defendant failed to appear at his October 7, 2008, deposition, prompting the filing of the motion. Plaintiff also requested monetary sanctions to reimburse it for its reasonable expenses incurred in appearing for the October 7, 2008, deposition.

The Court granted the motion to compel on November 26, 2008. It set Defendant's deposition for December 17, 2008, and ordered him to appear. As to Plaintiff's request for monetary sanctions, the Court indicated that it would issue an Order to Show Cause to Defendant why sanctions should not be imposed. The Order to Show Cause issued on November 26, 2008.

After Defendant failed to respond to the Order to Show Cause, the Court granted Plaintiff's request for sanctions. By order dated December 24, 2004, the Court imposed sanctions for Defendant's failure to appear at the October 7, 2008, deposition and ordered

1 Plaintiff to submit a declaration setting forth its expenses incurred in appearing for the October 7,
2 2008, deposition.

3 Plaintiff filed its declaration on January 9, 2009. However, Plaintiff's declaration did not
4 address the expenses incurred in appearing at the October 7, 2008, deposition. Rather, Plaintiff
5 explained that Defendant failed to appear at the subsequent December 17, 2008, deposition and
6 set forth its expenses incurred therein. Plaintiff requested a total of \$1,206.25.

7 Therefore, Plaintiff's declaration is DISREGARDED because it does not provide the
8 information requested in the Court's December 24, 2008, order. Within twenty (20) days from
9 the date of service of this order, Plaintiff is ORDERED to submit a declaration setting forth the
10 expenses occurred in appearing for the **October 7, 2008**, deposition. To the extent Plaintiff
11 seeks sanctions for Defendant's subsequent failure to appear at the December 17, 2008,
12 deposition, the request must be made by noticed motion.

13
14
15 IT IS SO ORDERED.

16 **Dated: January 20, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE