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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	1:07cv01741 OWW DLB
	)	
	)	
Plaintiff,	)	ORDER GRANTING SANCTIONS
	)	AGAINST DEFENDANT IN THE
v.	)	AMOUNT OF \$1,049.59
	)	
JOHN L. CABRAL, et al.,	)	
	)	
	)	
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 after he failed to appear at his October 7, 2008, deposition. 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. Also on November 26, 2008, the Court issued an Order to Show Cause to Defendant why sanctions should not be imposed. Defendant was ordered to respond within twenty days.

After Defendant failed to respond to the Order to Show Cause, the Court granted Plaintiff’s request for sanctions. By order dated December 24, 2008, 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 On January 29, 2009, Plaintiff submitted the Declaration of G. Patrick Jennings  
4 (“Jennings Dec.”). Mr. Jennings is a trial attorney with the Tax Division of the United States  
5 Department of Justice and represents Plaintiff in this action. Mr. Jennings traveled to  
6 Sacramento on October 6 and 7, 2008, to take Defendant’s scheduled deposition. Jennings Dec.,  
7 ¶ 3. He returned to Washington, D.C., on October 8, 2008, after Defendant failed to appear.  
8 Jennings Dec., ¶ 3. He states that he incurred a total of \$1,049.59 in expenses as a result of  
9 Defendant’s failure to appear, broken down as follows:

10	Airfare:	\$826.99
11	Car Rental:	\$ 64.10
12	Lodging:	\$129.03
13	Parking:	\$ 20.00
14	Gasoline:	\$ 9.47
15	<b>TOTAL:</b>	<b>\$1,049.59</b>

16 Jennings Dec., ¶ 4.

17 The Court finds these expenses to be reasonable and AWARDS SANCTIONS in favor of  
18 Plaintiff in the amount of \$1,049.59. This amount SHALL be paid by Defendant to Plaintiff’s  
19 counsel within thirty (30) days of the date of service of this order. Failure to do so may result in  
20 further sanctions, including the issuance of a contempt citation.

21  
22 IT IS SO ORDERED.

23 **Dated: February 17, 2009**

**/s/ Dennis L. Beck**  
24 UNITED STATES MAGISTRATE JUDGE  
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