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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5 TRANSAMERICA LIFE INSURANCE  
6 COMPANY,

CASE NO. 1:11-cv-01958-LJO-SKO

7 Plaintiff,

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE**

8 v.

9 GARY SHUBIN, et al.,

(Docket No. 42)

10 Defendants.  
11 \_\_\_\_\_/

12 On August 6, 2012, the Court issued an order adopting the findings and recommendations  
13 of the Magistrate Judge that Plaintiff Transamerica Life Insurance Company's ("Plaintiff") motion  
14 for discharge and award of attorney's fees be granted, and further ordered Plaintiff to provide the  
15 Court with an accounting of the deferred life insurance annuity payable on behalf of  
16 Annuitant/Owner Jeri Wood-Shubin ("Annuity") and with the mailing addresses for Defendants Gary  
17 Shubin and James Shubin. Plaintiff failed to provide the requested information in the time required  
18 by the Court's Order, and on August 30, 2012, the Court issued an Order to Show Cause requiring  
19 Plaintiff, within seven (7) days of the date of that Order, to either file the required information or  
20 show cause as to why the information was not timely filed. (Doc. 42.)

21 On September 13, 2012, Plaintiff filed a "Response to Order to Show Cause or File  
22 Requested Information" and the Declaration of Tracy Martin, a Director of Post Operations  
23 employed by Plaintiff. (Docs. 44, 45.) Plaintiff's response included the mailing addresses for Gary  
24 Shubin and James Shubin, and the Martin Declaration provides an accounting of the distribution of  
25 the Annuity.<sup>1</sup>

26 \_\_\_\_\_  
27 <sup>1</sup> In providing an accounting of the distribution of the Annuity, the Martin Declaration indicates that Plaintiff  
28 committed an "oversight" and "failed to deduct" from the Annuity the amount authorized by the Court for attorney's fees.  
(Doc. 45, Martin Decl., ¶ 5.) Plaintiff, however, does not request any relief regarding this purported oversight. (See  
Docs. 44, 45.)

1 Plaintiff's response, filed on September 13, 2012, was not filed within the time period set  
2 forth in the Court's August 30, 2012, Order to Show Cause, which required a response within seven  
3 (7) days. However, as Plaintiff has finally provided the Court with the requested information, the  
4 Court will DISCHARGE the Order to Show Cause.

5 Plaintiff's counsel, however, is reminded that the Local Rules of the United States District  
6 Court, Eastern District of California, Rule 110, provides that the "[f]ailure of counsel or of a party  
7 to comply with these Rules or with any order of the Court may be grounds for imposition by the  
8 Court of any and all sanctions authorized by statute or Rule or within the inherent power of the  
9 Court." The Court is aware that in meeting deadlines, events sometimes conspire against even the  
10 most conscientious, experienced, and diligent practitioners. Nevertheless, chronic and habitual late  
11 filings cause the Court to expend an inordinate amount of judicial resources. This extends beyond  
12 mere inconvenience and impacts other litigants and cases that are kept on hold.

13 Plaintiff's counsel failed to comply with the August 6, 2012, Court Order requiring that  
14 Plaintiff provide an accounting of the Annuity and the mailing addresses of Defendants Gary Shubin  
15 and James Shubin, and then failed to timely comply with the Court's August 30, 2012, Order to  
16 Show Cause. (See Docs. 39, 42.) Plaintiff's counsel is cautioned that such conduct will no longer  
17 be tolerated and may subject counsel to sanctions pursuant to Local Rule 110.

18 Based on the foregoing, IT IS HEREBY ORDERED that the Court's August 30, 2012, Order  
19 to Show Cause (Doc. 42) is DISCHARGED.

20  
21 IT IS SO ORDERED.

22 **Dated: September 23, 2012**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**