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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JOHN STINCHECUM, et al.,  
Plaintiffs,  
v.  
DOLLAR GENERAL CORP.,  
Defendant.

Case No. 1:17-cv-00240-DAD-SAB  
ORDER DISCHARGING ORDER TO  
SHOW CAUSE; VACATING SEPTEMBER  
12, 2018 ORDER TO SHOW CAUSE  
HEARING; IMPOSING MONETARY  
SANCTION OF ONE HUNDRED FIFTY  
DOLLARS ON JAMES F. TIERNEY, III;  
VACATING FINDINGS AND  
RECOMMENDATIONS; AND DIRECTING  
CLERK OF THE COURT TO CLOSE THIS  
MATTER  
  
(ECF Nos. 29, 30)  
  
DEADLINE: SEPTEMBER 21, 2018

**I.**  
**BACKGROUND**

Plaintiffs John Stinchecum and Peta Stinchecum filed this action against Dollar General Corp. on December 5, 2016, in the Fresno County Superior Court. (ECF No. 1, Exhibit A.) On February 17, 2017, Defendant removed this action to the Eastern District of California. (ECF No. 1.) On June 20, 2018, Defendant filed a notice that the parties have agreed to settle this matter. (ECF No. 26.) An order issued requiring the parties to file dispositional documents within thirty-days of June 21, 2018. (ECF No. 27.) The parties did not file dispositive documents in compliance with the June 21, 2018 order.

1 On August 1, 2018, an order issued requiring the parties to show cause within fourteen  
2 days why this action should not be dismissed for the failure to comply with the June 21, 2018.  
3 (ECF No. 28.) The parties did not respond to to the August 1, 2018 order.

4 On August 22, 2018, due to the parties' non-response to the two prior orders, an order  
5 was filed requiring counsel to personally appear to show cause why monetary sanctions should  
6 not issue for the failure to comply. (ECF No. 30.) On August 27, 2018, the parties filed a  
7 stipulation to dismiss this action. (ECF No. 31.) On September 4, 2018, Alexandra Rambis filed  
8 a declaration in response to the orders to show cause and an order issued on September 6, 2018,  
9 discharging the order to show cause as to defense counsel. (ECF Nos. 32, 35.) On September 5,  
10 2018, Plaintiff's counsel filed a notice of change of address, and on September 6, 2018,  
11 Plaintiff's counsel, James Tierney, filed a declaration in response to the orders to show cause.  
12 (ECF Nos. 34, 36.) On September 11, 2018, an order issued finding that monetary sanctions of  
13 one hundred fifty dollars (\$150.00) were appropriate for counsel's failure to keep the Court  
14 informed of his current contact information and failure to comply with the orders of the Court.  
15 (ECF No. 34.) The order provided that counsel could appear at the September 12, 2018 hearing  
16 to contest the imposition of sanctions or notify the Court that he did not wish to challenge the  
17 sanction. (Id.) On this same date, the court received an email from counsel stating that counsel  
18 did not dispute the sanction.

## 19 II.

### 20 LEGAL STANDARD

21 The Federal Rules of Civil Procedure provides that the underlying purpose of the rules is  
22 to secure the just, speedy and inexpensive determination" of an action. Fed. R. Civ. P. 1. To  
23 effectuate this purpose the rules provide for sanctions against parties that fail to comply with  
24 court orders or that unnecessarily multiply the proceedings. See e.g. Fed. R. Civ. P. 16(f); Fed.  
25 R. Civ. P. 37(b). Rule 16(f) of the Federal Rules of Civil Procedure authorizes the court to issue  
26 any just order if a party or attorney fails to obey a scheduling or other pretrial order.

27 The court also possesses inherent authority to impose sanctions to manage its own affairs  
28 so as to achieve the orderly and expeditious disposition of cases. Chambers v. NASCO, Inc.,



1 May 15, 2018 but continued to represent the plaintiffs in this matter. (Decl. of James F. Tierney  
2 Re Failure to Comply with Court Order 2, ECF No. 36.) Mr. Tierney did not inform the Court of  
3 his change of address until September 5, 2018. (ECF No. 34.) Mr. Tierney was aware that this  
4 action had settled and requested that Defendant file the notice of settlement. (Tierney Decl. at  
5 2.) He would therefore have been aware that dispositive documents would need to be filed once  
6 the settlement was completed.

7 Due to his failure to update his address this Court issued multiple orders to show cause  
8 and this has impeded the Court's ability to address other matters demanding the Court's attention  
9 causing delay in decision in other pending matters. Accordingly, the Court finds that sanctions  
10 of \$150.00 are appropriate to address counsel's failure to update his address, and failure to  
11 comply with the orders of this Court.

#### 12 IV.

#### 13 CONCLUSION AND ORDER

14 Based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, Local Rule 184, and  
16 the Court's inherent authority, monetary sanctions of \$150.00 are imposed against  
17 James F. Tierney for his failure update his current address and failure to comply  
18 with orders of this Court;
- 19 2. James F. Tierney shall pay the amount of \$150.00 to the Clerk of the United  
20 States District Court, Eastern District of California, no later than **September 21,**  
21 **2018;**
- 22 3. James F. Tierney shall file a proof of payment within **five (5) days** of payment of  
23 the sanction;
- 24 4. The order requiring the personal appearance of counsel on September 12, 2018 is  
25 DISCHARGED and counsel need not appear at that time (ECF No. 30);
- 26 5. The findings and recommendations filed August 22, 2018 is VACATED (ECF  
27 No. 29);
- 28 6. The Clerk of the Court is DIRECTED to CLOSE the file in this case and adjust

1 the docket to reflect voluntary dismissal of this action, Fed. R. Civ. P.  
2 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997);  
3 and

4 7. Failure to comply with this order may result in the issuance of further sanctions.

5  
6 IT IS SO ORDERED.

7 Dated: September 11, 2018

  
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UNITED STATES MAGISTRATE JUDGE