

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMIRO HUERTA,
Plaintiff,
v.
COUNTY OF TULARE, et al.,
Defendants.

Case No. 1:17-cv-01446-EPG
ORDER RE: HEARING ON DEFENDANTS'
MOTION FOR SANCTIONS
(ECF No. 92)

As discussed on the record at the February 18, 2022 hearing on Defendants' motion for sanctions (ECF No. 92), IT IS HEREBY ORDERED that:

1. Within ten (10) days of entry of this order, the parties may file supplemental briefing regarding the following issues:
 - a. Whether the specific copy of the 2017 policy document that Plaintiff's counsel used to refresh a witness's recollection in the state court criminal trial is publicly available or was obtained from discovery in this case;
 - b. Whether the judge in the state court criminal trial granted Plaintiff's counsel permission to use Exhibit CC;
 - c. The portion of Ron Smith's testimony in the state court criminal trial that led Plaintiff's counsel to refer to Exhibits BB and CC;
 - d. How Exhibit BB was used in the state court criminal trial, including whether it was

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

introduced and/or given to the jury;

2. Within ten (10) days of entry of this order, Defendants may also file an updated request and additional information regarding their request for a monetary award. Defendants should include an itemization of fees and costs requested and billing entries or other appropriate descriptions of the expenditures of Defendants' counsel's time. Plaintiff may file supplemental briefing regarding the requested monetary award within seven (7) days of service of Defendants' supplemental briefing;
3. The parties' supplemental briefing on the foregoing issues shall not exceed a total of seven (7) pages in length, not including exhibits. Following receipt of the parties' supplemental briefing, Defendants' motion for sanctions will be taken under submission on the record, arguments, and briefs on file; and
4. The parties are directed to meet and confer regarding: 1) a proposed schedule for proceeding with this case; and 2) which, if any, exhibits submitted in connection with the briefing on the motion for sanctions can be sealed and whether Plaintiff's counsel will pay the affected individuals for the cost of a one-year subscription to LifeLock Advantage. Within fourteen (14) days of entry of this order, the parties shall file an appropriate stipulation regarding these issues and/or status report notifying the Court of any remaining disputes.

IT IS SO ORDERED.

Dated: February 18, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE