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

CLAUDIA GONZALEZ MONDRAGON, GUSTAVO GUSMAN, and ALAN REYES, on behalf of themselves and others similarly situated,	)	Case No.: 1:22-cv-01259 JLT BAM
	)	
Plaintiffs,	)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, FINDING DEFENDANT R T LABOR, INC. IN CONTEMPT
	)	(Docs. 63, 72)
v.	)	
	)	
R T FARM LABOR INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

Plaintiffs seek to hold the defendants, including defaulted defendant R T Farm Labor, Inc., liable for violations of California wage and hour laws and the federal Migrant and Seasonal Agricultural Worker Protection Act. (*See* Doc. 23.) After R T Farm Labor failed to respond to the amended complaint, the Clerk entered default. (Doc. 47.) Plaintiff then served a subpoena upon R T Farm Labor pursuant to Rule 45 of the Federal Rules of Civil Procedure and moved to compel compliance. (Doc. 63 at 2.) The magistrate judge ordered R T Farm Labor to show cause why contempt sanctions should not issue, and R T Farm Labor failed to either respond to the order or appear at the show cause hearing. (Doc. 71; Doc. 72 at 7.) After the hearing, the magistrate judge certified facts for the Court and issued Findings and Recommendations, recommending R T Farm Labor be held in contempt. (Doc. 72.)

The Court held a contempt hearing on January 6, 2025. (Doc. 77.) Plaintiffs filed proof of

1 service, indicating Plaintiff served R T Farm Labor’s agent for service with the Certification of Facts  
2 and Findings and Recommendations on October 23, 2024<sup>1</sup> (Doc. 81), and the Notice of Order to Show  
3 Cause Hearing on November 1, 2024 (Doc 82). Although served with the Findings and  
4 Recommendations and informed any objections must be filed in writing within 14 days (*see* Doc. 72 at  
5 11), R T Farm Labor did not file any objections. Similarly, R T Farm Labor did not avail itself of the  
6 purge conditions identified by the magistrate judge. (*See id.* at 9-10.) The Court held the contempt  
7 hearing as scheduled on January 6, 2025, and R T Farm Labor again failed to appear.

8           According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
9 Having carefully reviewed the matter, the Court concludes the Certification of Facts Supporting  
10 Contempt Findings and Recommendations are supported by the record and proper analysis. A person  
11 who has been served but fails to comply with a Rule 45 subpoena or an order related to the subpoena  
12 “without adequate excuse” may be held in contempt. Fed. R. Civ. P. 45(g); *see also Chicago Truck*  
13 *Drivers v. Bhd. Lab. Leasing*, 207 F.3d 500, 507 (8th Cir. 2000). Because R T Farm Labor fails to  
14 offer *any* excuse for the failure to comply, it is clearly in contempt. Thus, the Court **ORDERS**:

- 15           1.       The Certification of Facts and Findings and Recommendations to Hold Defaulted  
16                    Defendant R T Farm Labor, Inc. in Contempt (Doc. 72) are **ADOPTED** in full.
- 17           2.       Plaintiff’s motion to compel, construed as request for order to show cause why a  
18                    contempt citation should not issue is (Doc. 63) **GRANTED**.
- 19           3.       R T Farm Labor, Inc. is **HELD** in contempt of the Court.
- 20           4.       R T Farm Labor, Inc. **SHALL** pay monetary sanctions of \$50 per day beginning  
21                    January 7, 2025, for each day the company remains in contempt, payable to the Clerk  
22                    of Court for the Eastern District of California.
- 23           5.       R T Farm Labor Inc. may purge the contempt by:
  - 24                    a.       Responding to the subpoena and
  - 25                    b.       Paying the monetary sanction ordered.

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28 <sup>1</sup> The magistrate judge ordered Plaintiffs “to personally serve a copy of the[] Certifications of Facts and Findings and Recommendations upon defaulted Defendant R T Farm Labor, Inc. ... and to file proof of service with the Court.” (Doc. 72 at 9.)

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6. Plaintiffs **SHALL** file a status report every 14 days, informing the Court of whether R T Farm Labor Inc. has complied with the subpoena and whether an extension of the daily fine is necessary.

IT IS SO ORDERED.

Dated: January 7, 2025

  
UNITED STATES DISTRICT JUDGE