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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JANET LORRAINE SIANO, )  
 )  
 Plaintiff, )  
 )  
 COUNTY OF SACRAMENTO; SACRAMENTO )  
 COUNTY DEPARTMENT OF PARKS AND )  
 RECREATION; TOM HOF SOMMER, )  
 individually and in his official )  
 capacity as Ranger for the )  
 Sacramento County Department of )  
 Parks and Recreation; C. KEMP, )  
 individually and in his official )  
 capacity as Ranger for the )  
 Sacramento County Department of )  
 Parks and Recreation; KATHLEEN )  
 UTLEY, individually and in her )  
 official capacity as Ranger for the )  
 Sacramento County Department of )  
 Parks and Recreation; DAVE LYDICK, )  
 individually and in his official )  
 capacity as Supervisor for the )  
 Sacramento County Department of )  
 Parks and Recreation, )  
 )  
 Defendants. )  
 )

2:07-cv-01659-GEB-KJM  
ORDER

On August 24, 2009, a hearing was convened on an OSC concerning why Plaintiff and/or her counsel should not be sanctioned for failure to file a pretrial statement. Plaintiff's counsel responded with documents he requested be filed under seal.

1 Those documents were submitted to chambers under Local Rule 39-  
2 141(d), for in camera consideration of the sealing request.

3 Defendants objected to Plaintiff's counsel's sealing  
4 request, questioning whether Plaintiff's counsel satisfied the  
5 applicable sealing standard, and whether the content of what  
6 Plaintiff's counsel seeks to seal indicates "that Plaintiff's case  
7 lacks merit or is being brought for an improper purpose . . . ."

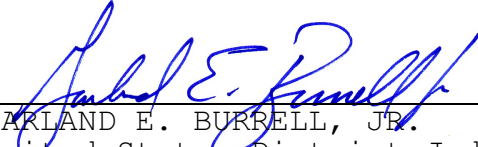
8 At the August 24 hearing, the undersigned judge returned  
9 to Plaintiff's counsel the documents he requested be sealed, since  
10 Plaintiff included in those documents an attorney withdraw argument  
11 that should be made in a motion filed on the public docket, and it  
12 was unclear whether the issues involved with the OSC hearing  
13 concerned everything Plaintiff's counsel desired to have sealed.

14 Although the OSC was discussed at the hearing, and  
15 Plaintiff's counsel made arguments against being sanctioned, the  
16 matter was not decided because Plaintiff's counsel sought to use  
17 information he desired to have sealed in his argument against being  
18 sanctioned. Under the circumstances, and since Defendants objected  
19 to Plaintiff's counsel's sealing request, the court did not decide  
20 the sanction issue.

21 However, the final pretrial conference was continued to  
22 October 26, 2009, commencing at 1:30 p.m., so that Defendants could  
23 delay submitting another pretrial statement until after Plaintiff  
24 and her counsel decided whether they could mend the attorney-client  
25 issue alluded to during the hearing. Plaintiff's counsel also said  
26 he was going to file a motion for leave to withdraw as counsel, but  
27 he failed to provide a sufficient explanation why he has not  
28 already filed a timely motion to withdraw. A Joint Pretrial

1 Statement shall be filed seven days before the final pretrial  
2 conference, along with proposed jury instructions on the  
3 substantive issues to be tried, proposed voir dire, and a proposed  
4 verdict form. If the judge is to decide an issue, proposed  
5 findings and conclusions of law shall also be filed.

6 Dated: August 25, 2009

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GARLAND E. BURRELL, JR.  
United States District Judge

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