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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 TRAVELERS CASUALTY AND
11 SURETY COMPANY OF AMERICA,
a Connecticut corporation,

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Plaintiff,

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NO. CIV. S-07-2493 LKK/DAD

14

v.

O R D E R

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16 SIDNEY B. DUNMORE, an
individual; SID DUNMORE
TRUST DATED FEBRUARY 28,
2003, a California trust;
SIDNEY B. DUNMORE, Trustee
for Sid Dunmore Trust Dated
February 28, 2003; DHI
DEVELOPMENT, a California
corporation,

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Defendants.

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On August 24, 2010, plaintiff and counterdefendant Travelers Casualty and Surety Company filed a motion to strike the prayer for punitive damages pursuant to Fed. R. Civ. P. 12(f) and a motion for a more definite statement pursuant to Fed. R. Civ. P. 12(e). This motion was noticed to be heard on September 27, 2010. Pursuant to Local Rule 230(c), defendant Dunmore's opposition or statement of

1 non-opposition was due on September 13, 2010. Defendant failed to
2 respond to the noticed motion by that date, and this court issued
3 an order to show cause why sanctions should not issue.

4 On September 24, 2010, defendant filed a non-opposition to the
5 motions to strike and for a more definite statement, and filed a
6 request for leave to amend his answer and cross-complaint.
7 Defendant's counsel Gorski also filed a response to the court's
8 order to show cause, in which he acknowledged that sanctions should
9 issue. Accordingly, this court ORDERS as follows:

10 [1] Counsel for defendant Dunmore is SANCTIONED in the
11 amount of one hundred and fifty (\$150.00) dollars. This
12 sum shall be paid to the Clerk of the Court no later
13 than thirty (30) days from the date of this order.
14 Counsel shall file an affidavit accompanying the payment
15 of this sanction which states that it is paid personally
16 by counsel, out of personal funds, and is not and will
17 not be billed, directly or indirectly, to the client or
18 in any way made the responsibility of the client as
19 attorneys' fees or costs.

20 [2] Plaintiff's motion to strike punitive damages is
21 GRANTED.

22 [3] Plaintiff's motion for a more definite statement is
23 GRANTED.

24 [4] Defendant's request for leave to amend the answer and
25 cross-complaint is GRANTED. Defendant has twenty-one
26 (21) days from issuance of this order to file an amended

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answer and cross-complaint.

IT IS SO ORDERED.

DATED: October 5, 2010.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT