1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:09-cv-522-JAM-KJN PS BRENT WINTERS, et al., 12 Plaintiffs. 13 **ORDER** v. 14 DELORES JORDAN, et al., 15 Defendants. 16 17 On September 6, 2013, the court issued an order requiring plaintiffs to each pay \$100 in 18 monetary sanctions within seven (7) days based on their failure to substantially comply with the 19 court's prior August 9, 2013 order and Local Rule 251. (ECF No. 377.) Plaintiffs were also 20 ordered to personally appear at the September 19, 2013 hearing at 10:00 a.m. in Courtroom No. 21 25 before the undersigned. (Id.) Thereafter, plaintiffs filed a "notice of compliance" and "joint statement," which contains 22 23 some discussion as to plaintiffs' position with respect to the underlying discovery dispute, and 24 which the court also construes as a request for reconsideration of the court's September 6, 2013 25 order. (ECF No. 379.) 26 For purposes of clarity, plaintiffs are hereby notified that all provisions of the court's prior 27 Although plaintiffs' "joint statement" was filed jointly by all plaintiffs, defendant Nevada 28 County did not join in that statement. 1

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September 6, 2013 order remain in effect, including the requirement that *all plaintiffs personally appear at the September 19, 2013 hearing*, and plaintiffs are expected to fully comply with all provisions of that order. At the September 19, 2013 hearing, the court will further discuss plaintiffs' "notice of compliance" and "joint statement" with plaintiffs, and determine how their arguments should be considered and addressed.

## Accordingly, IT IS HEREBY ORDERED that:

- 1. For purposes of clarity, <u>all provisions</u> of the court's September 6, 2013 order remain in full effect.
- 2. Failure to timely pay the monetary sanctions imposed by the September 6, 2013 order and/or failure to appear in person at the September 19, 2013 hearing by any plaintiff(s) will result in a recommendation that all claims of that plaintiff(s) in this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: September 13, 2013

KENDALL J. NEWMAN

UNITED STATES MAGISTRATE JUDGE