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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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E.J. THOMPSON, VALERY  
THOMPSON, MIDSTATE PROPERTIES,  
VIOLET MANOR, and CEDARS ROAD,  
LCC,

NO. CIV. 2:09-01609 WBS CMK

Plaintiffs,

v.

ORDER

CITY OF REDDING, DEBORAH WRIGHT,  
WILLIAM NAGEL, and DOES 1  
through 10,

Defendants.

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On August 19, 2011, defendants filed a motion for  
summary judgment, which was set for hearing on September 26,  
2011. When plaintiffs failed to file a timely opposition or  
statement of non-opposition, defendants' counsel contacted  
plaintiffs' counsel and were informed that plaintiffs' counsel,  
Michael Alan Scheibli, had not received service of the motion.  
The court then regenerated electronic service through the court's  
Case Management/Electronic Case Files ("CM/ECF") program and  
reset the hearing on the motion for October 11, 2011.

1           When the deadline for plaintiffs' opposition or  
2 statement of non-opposition to the motion for summary judgment  
3 again passed, the court contacted plaintiffs' counsel. Again,  
4 plaintiffs' counsel advised that he had not received service of  
5 the motion for summary judgment. The court's records indicate  
6 that the motion for summary judgment was successfully delivered  
7 to Mr. Scheibli's email server on September 1, 2011, at eighteen  
8 seconds past 5:40 p.m. The fact that plaintiff's counsel did not  
9 receive it demonstrates that the court's electronic service  
10 procedures are seriously flawed.

11           Therefore, the only measure the court can take to  
12 ensure that Mr. Scheibli receives service of the motion is to  
13 serve him with physical copies of the motion. Accordingly, the  
14 clerk of the court is instructed to make hard copies of the  
15 motion for summary judgment and supporting documents (Docket No.  
16 39) and have them sent by certified United States mail, return  
17 receipt requested, to Mr. Scheibli at 1416 West Street, Redding,  
18 California, 96001.

19           The hearing on defendants' motion for summary judgment  
20 set for October 11, 2011, at 2:00 p.m. is VACATED. Once the  
21 court receives notice from the Postal Service of receipt by Mr.  
22 Scheibli, a new hearing date and briefing schedule will be set on  
23 the motion for summary judgment

24           IT IS SO ORDERED.

25 DATED: September 29, 2011

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28 WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE