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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK OSEI,

NO. CIV. S-09-1981 LKK/JFM

Plaintiff,

v.

COUNTRYWIDE HOME LOANS;
LENDING 1st MORTGAGE;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
DELTA MORTGAGE & REAL
ESTATE; JEFFREY ALAN
PELLETIER; JEFFREY PAUL
OLSON; JEFF BRYAN DELORA;
and DOES1-20, inclusive,

O R D E R

Defendants.

_____/

On November 18, 2009, the court ordered counsel for plaintiffs to show cause why sanctions, including paying defendants' attorneys fees, should not issue for failure to appear at the scheduling conference. See Doc. No. 39. Counsel responded to the order to show cause on November 30, 2009. See Doc. No. 40. Counsel's argument is that he accidentally deleted the scheduling conference from his electronic calendar.

This circumstance does not constitute good cause.

Accordingly, the court orders as follows:

1 (1) Counsel for plaintiff will be SANCTIONED to pay
2 defendants' attorneys fees for appearing at the
3 scheduled November 16, 2009 status conference.


4 (2) Defendants are ordered to file within fourteen (14) days¹
5 of the issuance of this order an affidavit stating the
6 attorney's fees incurred by the failure of plaintiff's
7 counsel to appear at the status conference. These
8 affidavit should only state the amount of fees to attend
9 the conference, and not any fees incurred to prepare for
10 the conference or to draft their status report.

11 (3) Plaintiff may file an opposition, if any, to defendants'
12 affidavit within twenty-eight (28) days of the issuance
13 of this order.

14 (4) Upon receipt of the affidavit and opposition, if any,
15 the court will issue a further order concerning the
16 amount of fees owed by plaintiff's counsel to
17 defendants.

18 IT IS SO ORDERED.

19 DATED: December 9, 2009.

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21 
22 LAWRENCE K. KARLTON
23 SENIOR JUDGE
24 UNITED STATES DISTRICT COURT

25 ¹ The court advises parties to refer to the revised Federal
26 Rule of Civil Procedure 6, which took effect on December 1, 2009,
in calculating the deadlines for the submission of their filings.