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

EDWIN DURAND, et al.,

Plaintiffs,

No. CIV S-09-2038 JAM KJM PS

vs.

CANDICE STEPHENSON, et al.,

Defendants.

ORDER TO SHOW CAUSE

FEDERAL RULE OF CIVIL PROCEDURE 11(c)(3)

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Defendants' motion to dismiss and/or for summary judgment came on regularly for hearing July 14, 2010. Plaintiffs Edwin and Madelaine Durand appeared in propria persona. Glenn Peterson appeared for defendants. Upon review of the documents in support and opposition, upon hearing the arguments of plaintiffs and counsel, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

Before the court can reach the merits of defendants' motion, which challenges this court's jurisdiction to entertain plaintiff's case, it must clarify the evidentiary record on the motion. The record presently before the court calls into serious doubt the authenticity of the Noble Murray appraisal dated February 2006. Plaintiffs represented at the hearing, as is confirmed by the complaint, that this appraisal was the basis for plaintiff's good faith belief that

1 the amount in controversy was met for diversity jurisdiction. See Complaint ¶ 12. Plaintiffs,  
2 proceeding pro se, are bound by the Federal Rules of Civil Procedure. It appears that plaintiffs  
3 may have violated Federal Rule of Civil Procedure 11(b).

4 Plaintiffs will be provided an opportunity to authenticate the Noble Murray  
5 appraisal and explain why their conduct has not violated Federal Rule of Civil Procedure 11(b).  
6 In the absence of proper authentication, the court will consider the imposition of sanctions under  
7 Federal Rule of Civil Procedure 11(c)(4).

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. No later than August 6, 2010, plaintiffs shall show cause, in writing, why their  
10 conduct has not violated Federal Rule of Civil Procedure 11(b).

11 2. No later than August 6, 2010, plaintiffs shall file competent evidence  
12 establishing the authenticity of the Noble Murray appraisal dated February 2006.

13 3. Upon receipt of plaintiffs' submissions under this order, the court will  
14 determine whether an evidentiary hearing shall be set.

15 4. No later than August 6, 2010, defendants shall submit complete copies of the  
16 deposition transcripts of all parties to this action.

17 DATED: July 14, 2010.

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U.S. MAGISTRATE JUDGE