

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

EDWIN DURAND, et al.,

Plaintiffs,

No. 2:09-cv-2038 JAM CKD PS

vs.

CANDICE STEPHENSON, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

By order filed September 29, 2010, the court determined that sanctions should be imposed on plaintiffs under Rule 11. Dkt. no. 42. That order did not make a determination of the amount of the sanctions, pending further briefing by the parties. Plaintiffs moved to reconsider the order finding Rule 11 sanctions to be appropriate. By order filed November 10, 2010, the district judge denied the motion to reconsider. Dkt. no. 49. The amount of sanctions remains to be determined. Plaintiffs have now filed declarations setting forth their financial circumstances. Upon review of the financial declaration of plaintiffs, the declaration of defense counsel regarding the amount of attorneys fees incurred in connection with plaintiffs' Rule 11 violations and review of the entire record in this matter, THE COURT FINDS AND ORDERS AS FOLLOWS:

////

1           1. Under Federal Rule of Civil Procedure 11(c)(4), the court finds a sanction  
2 requiring plaintiffs to pay \$5,000 will be sufficient, and not more severe than reasonably  
3 necessary, to deter repetition of the conduct found objectionable by the court in the September  
4 29, 2010 order. Plaintiffs shall accordingly pay to the court's nonappropriated fund **\$5,000**.  
5 Payment of said sum may be paid in monthly installments of \$500 for ten months, with the first  
6 installment to be made no later than October 31, 2012.

7           2. The Clerk of Court is directed to serve a copy of this order on the court's  
8 financial department.

9           3. Plaintiffs are cautioned that failure to comply with this order may result in  
10 contempt proceedings.

11 Dated: September 28, 2012

12   
13 \_\_\_\_\_  
14 CAROLYN K. DELANEY  
15 UNITED STATES MAGISTRATE JUDGE

16 <sup>4</sup>  
17 durand.2038.r11sanc.