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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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12 DERALD PEAY and DEBRA PEAY,
13 Plaintiffs,

NO. CIV. 2:09-2228 WBS KJM

14 v.

ORDER TO SHOW CAUSE

15 MIDLAND MORTGAGE COMPANY;
16 MORTGAGE PROCESS CENTER;
17 QUALITY LOAN SERVICE CORP.;
18 MORTGAGE ELECTRONIC
19 REGISTRATION SYSTEMS, INC.;
20 U.S. BANK NATIONAL
ASSOCIATION; T.D. SERVICES,
INC.; RON ALLEN AND
ASSOCIATES; RONNIE D. ALLEN;
MARISSA BACO and DOES 1-20,
inclusive,

21 Defendants.
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24 On February 3, 2010, the court issued an Order to Show
25 Cause (Docket No. 50) why counsel for plaintiff Sharon L. Lapin
26 should not be sanctioned \$200 for failing to timely file an
27 opposition or notice of non-opposition to defendant Midland
28 Mortgage Company and U.S. Bank National Association's Motion to

1 Dismiss (Docket No. 43) in violation of Local Rule 230. After
2 reviewing Lapin's Declaration in response to the Order to Show
3 Cause, the court on February 16, 2010, issued an Order requiring
4 Lapin to, within ten days, either pay sanctions in the amount of
5 \$200 or request the matter be scheduled for a formal hearing.
6 (Docket No. 55.)

7 Lapin failed to comply with the court's Order and
8 continues to violate it to this day. Rather, in what appears to
9 the court to be an attempt to evade paying the sanctions ordered,
10 Lapin filed a Notice of Voluntary Dismissal of the case on
11 February 26, 2010. (Docket No. 57.) Local Rule 110 provides
12 that "Failure of counsel or of a party to comply with these Rules
13 or with any order of the Court may be grounds for imposition by
14 the Court of any and all sanctions authorized by statute or Rule
15 or within the inherent power of the Court." As several other
16 judges in this district have noted, Lapin has repeatedly failed
17 to comply with the Local Rules and has failed to comply with
18 court orders.¹

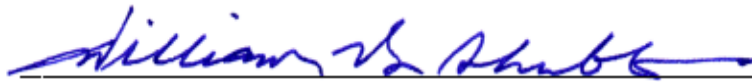
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20 ¹See, e.g., Cruz v. Aurora Loan Servs. et al., No. 2:09-
21 3212, Memorandum and Order (E.D. Cal. Feb. 17, 2010 (Docket No.
22 26)) (England, J.) (ordering Lapin to personally appear for a
23 hearing on an Order to Show Cause why she should not be
24 sanctioned for repeated failure of the Local Rules); see also
25 Mensah v. GMAC Mortgage et al., No. 2:09-3196, Order (E.D. Cal.
26 Feb. 23, 2010 (Docket No. 41)) (Karlton, J.) (dismissing
27 plaintiff's complaint with prejudice, fining Ms. Lapin \$150,
28 issuing an Order to Show Cause why a further fine of \$500 should
not issue, and referring Ms. Lapin to the Disciplinary Committee
of the State Bar of California for failing to file a timely
opposition or notice of non-opposition to a motion to dismiss and
for further violating the court's order that she so file either
an opposition or notice of non-opposition by an extended
deadline). At the February 25, 2010 hearing, Judge England
ordered Lapin to pay past-due and new sanctions totaling \$500,
which Lapin paid before she the left the courthouse that day.

1 SHARON L. LAPIN IS HEREBY ORDERED to show cause, on or
2 before March 15, 2010, why further sanctions in the amount of
3 \$500 should not now be imposed for her failure to obey the
4 court's Order of February 16, 2010.

5 SHARON L. LAPIN IS FURTHER ORDERED to personally appear
6 before this Court at **3:00 p.m. on Monday, March 22, 2010**, in
7 Courtroom 5 for hearing on the Order to Show Cause.

8 IT IS SO ORDERED.

9 DATED: March 4, 2010

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12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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28 Cruz, No. 2:09-3212. (Docket No. 30.)