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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BEVIN WANG,

Plaintiff,

v.

ALLIED INSURANCE and
DOES 1 through 20,
inclusive,

Defendants.

NO. CIV. S-10-1086 LKK/JFM

O R D E R

On March 4, 2011, the court ordered plaintiff to show cause why sanctions, including a fine of \$150 and/or dismissal of the case, should not issue for her counsel's failure to timely file an opposition or statement of non-opposition to defendants' motion for summary judgment. See Doc. No. 19. Counsel for plaintiff filed a response to the order to show cause on March 14, 2011. Counsel declared that his staff incorrectly calendared the motion.

Also on March 14, 2011, plaintiff filed his opposition and related documents to the motion for summary judgment. His response to defendant's statement of undisputed facts failed to comply with

1 the Local Rules of this district. Specifically, "Any party opposing
2 a motion for summary judgment or summary adjudication shall
3 reproduce the itemized facts in the Statement of Undisputed Facts
4 and admit those facts that are undisputed and deny those that are
5 disputed, including with each denial a citation to the particular
6 portions of any pleading, affidavit, deposition, interrogatory
7 answer, admission, or other document relied upon in support of that
8 denial." L.R. 260(b). Plaintiff's response did not reproduce
9 defendant's itemized facts. Further, plaintiff's filing did not
10 include a response to facts numbered one through six.

11 For the foregoing reasons, the court ORDERS as follows:

12 (1) No good cause shown in response to the March 4, 2011
13 order to show cause, the court hereby ORDERS that
14 counsel for plaintiff is SANCTIONED in the amount of one
15 hundred and fifty (\$150.00) dollars. This sum shall be
16 paid to the Clerk of the Court no later than thirty (30)
17 days from the date of this order. Counsel shall file an
18 affidavit accompanying the payment of this sanction
19 which states that it is paid personally by counsel, out
20 of personal funds, and is not and will not be billed,
21 directly or indirectly, to the client or in any way made
22 the responsibility of the client as attorneys' fees or
23 costs.

24 (2) Counsel for plaintiff is FURTHER ORDERED TO SHOW CAUSE
25 in writing why sanctions should not issue in accordance
26 with Local Rule 110, including a fine of \$150 and/or


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dismissal of this case, for his failure to comply with Local Rules in opposing defendant's motion for summary judgment. See also Fed. R. Civ. P. 41(b), Link v. Wabash R.R., 370 U.S. 626, 633 (1962). Counsel shall file a response to this order to show cause no later than March 24, 2011.

(3) Plaintiff shall electronically file a complete response to defendant's undisputed facts that complies with Eastern District Local Rules within two (2) days of the issuance of this order.

IT IS SO ORDERED.

DATED: March 17, 2011.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT