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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELICITO GARCIA REYES and
CAROLINA LAURENTE REYES,

NO. CIV. S-10-1652 LKK/JFM

Plaintiffs,

v.

O R D E R

GMAC MORTGAGE, LLC as
servicer for DEUTSCHE BANK
NATIONAL TRUST COMPANY AS
TRUSTEE FOR HARBORVIEW
2005-11 and DOES 1-10,

Defendants.

_____ /

On November 12, 2010, the Court sanctioned plaintiffs' counsel in the amount of \$150 and dismissed plaintiffs' complaint due to plaintiffs' failure to oppose defendant's motion to dismiss and to respond to an earlier order to show cause. (ECF No. 14). Also in this order, the Court ordered plaintiffs' counsel to show cause why a fine of \$1000 should not issue for his failure to oppose the motion to dismiss a second time and to respond to an earlier order to show cause.


1 On November 22, 2010, plaintiffs' counsel expressed that,
2 "The Court's censure and admonishment on this matter is taken to
3 heart and well received." He took "full responsibility" for his
4 conduct. He nonetheless requested that the court reconsider
5 issuing a \$1000 fine due to his firm's financial situation.
6 Further, he has indicated that his firm has restructured to
7 prevent such actions from occurring in the future.

8 While the Court does not find that plaintiffs' counsel acted
9 with good cause, it finds that the Court's November 12, 2010
10 sanction of \$150 is sufficient to deter future misconduct.
11 Moreover, the Court AMENDS its November 12, 2010 order to allow
12 plaintiffs' counsel to pay the \$150 sanction in monthly
13 increments so long as the first payment is made on or before
14 December 12, 2010 and the entire sanction is paid within one (1)
15 year of the issuance of this order.

16 The Court FURTHER ORDERS that plaintiffs' counsel shall
17 provide plaintiffs with copies of the Court's November 1, 2010
18 and November 12, 2010 (ECF Nos. 12, 14) orders as well as this
19 order within fourteen (14) days of the issuance of this order.
20 Plaintiffs' counsel shall file an affidavit by that date
21 indicating that he has provided plaintiffs with these orders.

22 IT IS SO ORDERED.

23 DATED: December 3, 2010.

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25 
26 LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT