

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNLy R. BECKER, THE
BECKER TRUST DATED
MARCH 25, 1991,

NO. CIV. S-10-2799 LKK/KJN

Plaintiffs,

v.

O R D E R

WELLS FARGO BANK, N.A.,
WACHOVIA MORTGAGE
CORPORATION; DOES 1-20,

Defendants.

_____ /


On December 14, 2010, the court ordered counsel for defendants to show cause why sanctions, including a fine of \$150 and/or judgment for plaintiff, should not issue for their failure to timely file an opposition or statement of non-opposition to plaintiff's motion for a preliminary injunction. See Doc. No. 21. Counsel failed to respond to the order to show cause. The court, thus, sanctioned counsel in the amount of \$150.00. See Doc. No. 25. The court further ordered counsel for defendants to show cause why sanctions, including a fine of \$1,000.00 and/or judgment for

1 plaintiff, should not issue for their failure to timely respond to
2 the order to show cause. Counsel timely filed two declarations in
3 response. With respect to the instant order to show cause,
4 Christopher Carr declared his belief that Matthew J. Pero was going
5 to respond to the order and Matthew J. Pero declared his belief
6 that Christopher Carr was going to respond to the order. Carr also
7 attempted to explain his failure to timely file an opposition to
8 plaintiff's motion. He indicated that he instructed his assistant
9 to file the opposition on time, but she was unable to do so.

10 These explanations do not constitute good cause, but they may
11 demonstrate an absence of bad faith. For this reason, the court
12 hereby ORDERS that counsel for defendant is FURTHER SANCTIONED in
13 the amount of three hundred and fifty (\$350.00) dollars.¹ This sum
14 shall be paid to the Clerk of the Court no later than thirty (30)
15 days from the date of this order. Counsel shall file an affidavit
16 accompanying the payment of this sanction which states that it is
17 paid personally by counsel, out of personal funds, and is not and
18 will not be billed, directly or indirectly, to the client or in any
19 way made the responsibility of the client as attorneys' fees or
20 costs.

21 IT IS SO ORDERED.

22 DATED: January 21, 2011.

23 
24 LAWRENCE K. KARLTON
25 SENIOR JUDGE
26 UNITED STATES DISTRICT COURT

26 ¹ The combined sanction for the failure to file an opposition
and to respond to the order to show cause totals \$500.00