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

MARIA CHRISTINA STEIN, aka MARY STEIN,)	2:10-cv-02827-GEB-EFB
)	
Plaintiff,)	
)	<u>ORDER STRIKING PLAINTIFF'S</u>
v.)	<u>PRETRIAL STATEMENT AND</u>
)	<u>IMPOSING MONETARY SANCTIONS;</u>
BANK OF AMERICA, N.A., successor)	<u>ORDER TO SHOW CAUSE</u>
in interest to Countrywide Bank,)	
FSB; MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEMS, INC. aka)	
"MERS",)	
)	
Defendants.)	
_____)	

Plaintiff's separate pretrial statement filed on December 6, 2012, is stricken since it was untimely, and Plaintiff did not provide justification for failing to participate in preparing and filing a joint pretrial statement. See Order to Show Cause 2, n.1, November 15, 2012, ECF No. 56.

Further, an Order to Show Cause ("OSC") issued on December 5, 2012, directing Plaintiff to explain why sanctions should not be imposed against her and/or her counsel for failure to file a timely final pretrial statement and failing to timely pay the November 21, 2012 two hundred dollar (\$200.00) monetary sanction. (ECF No. 62.) Plaintiff did

1 not respond to the December 5th OSC and has not paid the November 21st
2 monetary sanction.

3 Since Plaintiff's counsel failed to respond to the December
4 5th OSC, has twice failed to file a timely final pretrial statement, and
5 has yet to pay the November 21st monetary sanction, **Richard C. Sinclair,**
6 **Esq. is sanctioned seven hundred dollars (\$700.00).** This sanction, in
7 addition to the November 21st two hundred dollar (\$200.00) sanction
8 (equaling nine hundred dollars (\$900.00)), shall be paid to the Clerk of
9 this Court no later than 4:00 p.m. on December 14, 2012, by a check made
10 payable to the "United States Treasury." This sanction is personal to
11 counsel or his law firm and shall not be transmitted to counsel's
12 clients.

13 Also, **Plaintiff is Ordered to Show Cause ("OSC") in a writing**
14 **to be filed no later than December 14, 2012, why this action should not**
15 **be dismissed with prejudice under Federal Rule of Civil Procedure**
16 **("Rule") 41(b) and judgment entered in favor of Defendants for**
17 **Plaintiff's repeated failure to comply with the Rules and this Court's**
18 **orders.**¹ Plaintiff's failure to respond to the OSC's filed on November
19 15, 2012, and December 5, 2012, demonstrates that monetary sanctions are
20 ineffective in obtaining Plaintiff's compliance. Further, the Court is
21 unable to prepare an appropriate Final Pretrial Order in this action
22 without Plaintiff's compliance.

23 Lastly, the final pretrial conference remains on calendar for
24 January 14, 2013, at 1:30 p.m. A joint final pretrial statement shall be
25

26 ¹ The December 5th OSC contained the following warning:
27 "Plaintiff is warned that the continued failure to comply with the Rules
28 and/or this Court's orders could result in this action being dismissed
with prejudice under Rule 41(b) and judgment entered in favor of
Defendants." (ECF No. 62, 3:3-6.)

1 filed no later than seven (7) days prior to the final pretrial
2 conference.

3 Dated: December 11, 2012

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7 GARLAND E. BURRELL, JR.
8 Senior United States District Judge
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