1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:10-cv-3149-MCE-EFB ISABEL BEL MONTEZ, et al., 12 Plaintiffs. 13 v. **ORDER** 14 CITY OF STOCKTON, a municipal corporation, et al., 15 Defendants. 16 17 This case was before the court on June 29, 2016, for hearing on defendants' motion for 18 19 sanctions pursuant to Federal Rule of Civil Procedure 37 (ECF Nos. 44, 45, 46); defendants 20 Timothy McDermott and Mark Marquez's motions to compel plaintiffs J.G. and I.G. to provide 21 further responses to discovery requests (ECF Nos. 40, 41); and the court's order to show cause 22 why plaintiffs should not be sanctioned for violating Local Rule 230 (ECF No. 47). Attorney 23 James Cook appeared on behalf of plaintiffs; Deputy City Attorney Ted Wood appeared on behalf of defendants. 24 25 For the reasons stated on the record, plaintiffs' counsel failed to show good cause for his 26 failure to timely file either an opposition or statement of non-opposition to defendants' motions in 27 violation of Local Rule 230. Accordingly, counsel, and not his client, is sanctioned in the amount 28 of \$300 for his failure to comply with the court's local rules. See E.D. Cal. L.R. 110 ("Failure of

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counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court."). This sum shall be paid to the Clerk of the Court no later than July 6, 2016. This sanction is personal to counsel and is not to be passed on to his client in the form of attorney fees and costs. Counsel shall inform the plaintiffs in writing of this order and provide a copy to the plaintiffs. Counsel shall file by July 6, 2016, a declaration that his clients have been so informed.

Further, as stated on the record plaintiffs' counsel has failed to comply with Federal Rule of Civil Procedure 17 and Local Rule 202(a) as to the minor plaintiffs. Accordingly, by no later than July 27, 2016, Mr. Cook shall either (1) present appropriate evidence of the appointment of a representative for minor plaintiffs J.G. and I.G. under state law, or (2) file a motion for the appointment of a guardian ad litem. See E.D. Cal. L.R. 202(a). Counsel is admonished that failure to do so may result in the imposition of sanctions. See E.D. Cal. L.R. 110.

Lastly, defendants' motions are denied without prejudice for the reasons stated on the record.

UNITED STATES MAGISTRATE JUDGE

So Ordered.

DATED: June 29, 2016.