

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 SCOTT N. JOHNSON,) Case No. 2:11-CV-00023-JAM-GGH
10)
11 Plaintiff,) ORDER GRANTING DEFENDANTS'
12) MOTION TO DISMISS
13 v.)
14)
15 PAUL BETTI, Individually and as)
16 Co-Trustee under that certain)
17 Betti Family Trust Agreement,)
18 dated May 21, 2009; DENA M.)
19 BETTI, Individually and as Co-)
20 Trustee under that certain Betti)
21 Family Trust Agreement, dated)
22 May 21,2009,)
23)
24 Defendants.)
25

26 This matter is before the Court on Defendants' Paul and Dena
27 Betti's ("Defendants") Motion to Dismiss (Doc. #8) Plaintiff Scott
28 N. Johnson's ("Plaintiff") Complaint (Doc. #1) pursuant to Federal
Rules of Civil Procedure 12(b)(1). Plaintiff did not oppose the
motion to dismiss.¹

After a careful review of the pleadings submitted herein, the
Court finds that Plaintiffs' apartment complex is not a public
accommodation for the reasons set forth in Defendants' motion, and
GRANTS the motion to dismiss. If Defendants' wish to bring a

¹ This matter was determined to be suitable for decision without
oral argument. E.D. Cal. L. R. 230(g). The hearing was originally
scheduled for June 29, 2011.

1 motion for attorney's fees, they may file a motion setting forth
2 the legal basis for the fee request, in accordance with the Local
3 Rules.

4 Furthermore, Eastern District Local Rule 230(c) requires a
5 party responding to a motion to file either an opposition to the
6 motion or a statement of non-opposition, no less than fourteen (14)
7 days preceding the noticed hearing date. Local Rule 110 authorizes
8 the Court to impose sanctions for "failure of counsel or of a party
9 to comply with these Rules." Plaintiff did not file an opposition
10 or statement of non-opposition in response to the motion to
11 dismiss. Therefore, the Court will sanction Plaintiff's counsel,
12 Scott N. Johnson, \$150.00, unless he shows good cause for his
13 failure to comply with the Local Rules.

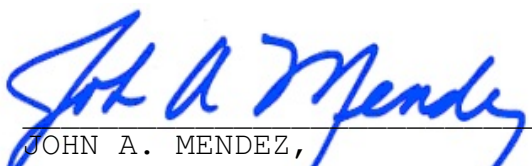
14 ORDER

15 For the reasons set forth above, Defendants' Motion to Dismiss
16 is GRANTED, WITH PREJUDICE.

17 It is further ordered, within ten (10) days of the date of
18 this Order, attorney Scott N. Johnson must either (1) submit a
19 statement of good cause for his failure to comply with the local
20 rules, or (2) pay a sanction in the amount of \$150.00 to the Clerk
21 of the Court.

22 IT IS SO ORDERED.

23 Dated: June 30, 2011

24 

25 JOHN A. MENDEZ,
26 UNITED STATES DISTRICT JUDGE
27
28