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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BYLIN HEATING SYSTEMS, INC., et
al.,

 Plaintiffs,

 v.

THERMAL TECHNOLOGIES, INC.,

 Defendant.

No. 2:11-cv-1402 KJM KJN

ORDER

Presently before the undersigned is a motion for attorney’s fees as sanctions for bad faith conduct filed by plaintiffs Bylin Heating Systems, Inc. and Roof Ice Melt Systems, Inc. (collectively “plaintiffs”). (ECF No. 64.) Plaintiffs request that the court impose plaintiffs’ attorney’s fees as monetary sanctions on defendant Thermal Technologies, Inc. (“TTI”) based on its numerous failings in these proceedings, including its failure to comply with multiple court orders, failure to appear at multiple noticed court hearings, and abandonment of its discovery obligations in general. Defendant TTI has not filed any response to this motion.

It is **HEREBY ORDERED THAT:**

1. Because oral argument would not materially aid the resolution of the pending motion, this matter is submitted on the briefs and record without a hearing. See Fed. R. Civ. P. 78(b); E.D. Local Rule 230(g) (“ . . . the motion may be submitted upon the record and briefs on file . . . if the Court so orders, subject to the power of the Court to reopen the matter for further briefs or oral

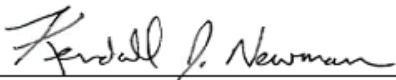
1 arguments or both.”).

2 2. The hearing on plaintiffs’ motion currently set for February 6, 2014, is hereby
3 VACATED.

4 3. Based on the record, the undersigned has serious doubts that defendant will file any
5 response to plaintiff’s motion. Nevertheless, in an abundance of caution, the undersigned orders
6 that **defendant TTI shall file an opposition or statement of non-opposition on or before**
7 **February 13, 2014.**¹ Thereafter, **plaintiffs may file a reply briefing in support their motion**
8 **on or before February 27.** The undersigned may set this matter for hearing *sua sponte* should
9 one appear helpful following receipt of the papers.

10 IT IS SO ORDERED

11 Dated: January 30, 2014

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13 _____
14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE
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27 ¹ Defendant is strongly cautioned that failure to file such a response in a timely manner will result
28 in the court deciding plaintiffs’ motion solely on plaintiffs’ arguments in support of the motion
and the record.