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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL DAVIS,

Plaintiff,

v.

HOLLINS LAW, A PROFESSIONAL
CORPORATION,

Defendant.

No. CIV. S-12-3107 LKK/AC

ORDER

Plaintiff Michael Davis sued defendant Hollins Law, A Professional Corporation, alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 - 1692p ("FDCPA") and California's Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788 - 1788.33 ("Rosenthal Act"). The gravamen of plaintiff's complaint was that defendant placed collection calls to his home phone, and left a voicemail message which failed to disclose that the communication was from a debt collector.

Trial in this matter was held on April 15, 2014. At the conclusion of trial, the court found that defendant had violated the FDCPA and the Rosenthal Act, but deferred its ruling on

1 damages. The court also directed plaintiff to file a petition for
2 attorney's fees and costs within fourteen (14) days, and
3 defendant to respond within ten (10) days thereafter.

4 In the month since, the parties have filed the following:

- 5 • Plaintiff's Petition for Attorney's Fees and Costs
6 (April 29, 2014, ECF No. 91) and his Bill of Costs
7 (April 29, 2014, ECF No. 90).
- 8 • Defendant's Response to Plaintiff's Petition for
9 Attorney's Fees and Costs. (May 9, 2014, ECF No. 96.)
- 10 • Defendant's Objections to Plaintiff's Bill of Costs.
11 (May 9, 2014, ECF No. 95.)
- 12 • Plaintiff's Motion for Leave to File a Reply Brief in
13 Support of his Petition for Attorney's Fees and Costs,
14 currently set for hearing on June 9, 2014.¹ (May 12,
15 2014, ECF No. 98.)
- 16 • Defendant's Opposition to Plaintiff's Motion for Leave
17 to File a Reply Brief in Support of his Petition for
18 Attorney's Fees and Costs. (May 13, 2014, ECF No. 99.)
- 19 • Plaintiff's Motion for Award of Statutory Damages,
20 currently set for hearing on June 2, 2014. (May 1,
21 2014, ECF No. 93.)
- 22 • Defendant's Motion to Strike Plaintiff's Motion for
23 Award of Statutory Damages, currently set for hearing
24 on June 2, 2014. (May 2, 2014, ECF No. 94.)

25 ¹ The court notes that it is not scheduled to hear law & motion
26 argument on June 9, 2014. The fact that plaintiff plucked a date
27 out of thin air, rather than following the procedures for
28 securing a date on the court's motion calendar, further evinces
the sloppiness with which both parties have handled this case to
date.

- 1 • Plaintiff's Response to Defendant's Motion to Strike
2 Plaintiff's Motion for Award of Statutory Damages. (May
3 12, 2014, ECF No. 97.)
- 4 • Defendant's Application for Order Shortening Time to
5 Hear Defendant's Motion to Strike Plaintiff's Motion
6 for Award of Statutory Damages. (May 13, 2014, ECF
7 No. 100.)

8 The court, having reviewed the parties' filings, has
9 concluded that it has more than enough information to decide the
10 issues presented. Accordingly, oral argument and further briefing
11 on these matters is unnecessary. An order will be forthcoming.

12 In the meantime, in the immortal words of Judge Kozinski,
13 "The parties are advised to chill." Mattel, Inc. v. MCA Records,
14 Inc., 296 F.3d 894, 908 (9th Cir. 2002).

15 The court hereby orders as follows:

16 [1] Defendant's Application for Order Shortening Time to
17 Hear Defendant's Motion to Strike Plaintiff's Motion for
18 Award of Statutory Damages (ECF No. 100) is DENIED.

19
20 [2] Plaintiff's Motion for Leave to File a Reply Brief in
21 Support of his Petition for Attorney's Fees and Costs (ECF
22 No. 98) is DENIED.

23
24 [3] The hearings on Plaintiff's Motion for Award of
25 Statutory Damages (ECF No. 93) and Defendant's Motion to
26 Strike Plaintiff's Motion for Award of Statutory Damages
27 (ECF No. 94), both currently set for June 2, 2014, are
28 VACATED.

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[4] The parties are WARNED that the filing of any further
briefs or motions before the court issues an order deciding
the issues of damages and attorney's fees & costs may be
grounds for substantial sanctions.

IT IS SO ORDERED.

DATED: May 14, 2014.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT