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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO E.D.M., INC., et al.,
Plaintiffs,
v.
HYNES AVIATION INDUSTRIES, INC.
et al.,
Defendants.

No. 2:13-cv-0288-KJN

ORDER

This matter came on for a status conference before the undersigned on June 16, 2016. (See ECF No. 93.) The status conference was set to commence at 10:00 a.m. Attorney Sean Gavin made a timely appearance on behalf of plaintiffs. However, defendants' counsel, Thomas Barth, failed to appear by the time the status conference commenced.¹ Accordingly, the undersigned ordered a brief recess of the status conference so that Mr. Barth's whereabouts could be ascertained. Both the court and opposing counsel made several attempts to contact Mr. Barth by telephone to no avail. Only after opposing counsel sent Mr. Barth a text message asking him where he was did he respond that he was currently driving to the court and was caught behind road construction just outside Davis, California. At no time did Mr. Barth on his own volition

¹ While this matter was set to begin at 10:00 a.m., the case was not called until roughly 10:20 a.m. because the undersigned first heard another matter that was also set for 10:00 a.m. Despite this additional time, Mr. Barth still failed to appear at the time this case was called.

1 contact the court or opposing counsel to explain that he was running late. Once Mr. Barth arrived
2 in the courtroom, at around 11:00 a.m., the status conference finally commenced.

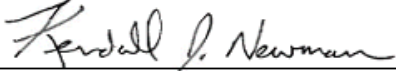
3 During the status conference, the undersigned questioned Mr. Barth about his extreme
4 tardiness. While apologetic, Mr. Barth could not provide a justifiable reason for why he arrived
5 roughly an hour late. Indeed, he acknowledged that he had failed to afford himself adequate time
6 to arrive at the court for the 10:00 a.m. hearing and had not contacted the court or opposing
7 counsel to explain that he would be late despite having access to a cell phone. Given the lack of
8 circumstances that would excuse Mr. Barth's lack of punctuality, the undersigned finds it
9 appropriate to impose monetary sanctions on him.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Within fourteen (14) days of this order, defendants' counsel, Thomas Barth, shall pay
12 the Clerk of Court \$100.00 in sanctions based on his failure to timely appear at the
13 June 16, 2016 status conference. Defendants' counsel shall NOT directly or indirectly
14 attempt to recover such sanctions from his clients.
- 15 2. Failure to timely comply with this order will result in increased sanctions.

16 IT IS SO ORDERED.

17 Dated: June 17, 2016

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20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE
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