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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 SARAH R. NOVO,

NO. CIV. S-13-0521 LKK/AC

11 Plaintiff,

12 v.

O R D E R13 CITY OF SACRAMENTO,
14 ANGELIQUE ASHBY,

Defendants.

15 _____/

16 Defendant Angelique Ashby's Motion to Strike, ECF No. 16, is
17 pending before the court. Defendant "moves to strike any reference
18 to the CFRA [California Family Rights Act] in the Fourth Claim for
19 Relief as it pertains to her because she is not an 'employer' as
20 that term is defined within the CFRA." Def's Mot., ECF No. 16,
21 Att. 1, at 3.

22 On July 19, 2013, this court ordered counsel for Plaintiff to
23 show cause in writing as to why sanctions should not issue, in
24 accordance with Eastern District of California Local Rule 110
25 (2013), for counsel's failure to file an opposition or a statement
26 of non-opposition to Defendant's motion.

1 On July 25, 2013, Plaintiff filed a statement of non-
2 opposition to the granting of Defendant's motion to strike. Pl's
3 Resp., ECF No. 20. Plaintiff does not object to Defendant's motion
4 to strike Plaintiff's Fourth Claim for Relief for Defendant Ashby's
5 "retaliation against the plaintiff for requesting CFRA leave," but
6 notes that "Plaintiff's claim against Ashby for retaliation under
7 FMLA [Family Medical Leave Act] remains within the Amended
8 Complaint, Fourth Claim for Relief." Id. at 1.

9 In response to the court's order to show cause, Plaintiff's
10 counsel admitted that he was at fault for "fail[ing] to calendar
11 this motion," which "result[ed] in this unfortunate circumstance
12 for the Court." Pl's Resp., ECF No. 21, at 1-2.

13 Accordingly, the court ORDERS as follows:

14 [1] Defendant's motion to strike Plaintiff's Fourth Claim
15 for Relief, ECF No. 16, is GRANTED, only insofar as it
16 presents a retaliation claim against Defendant Ashby
17 pursuant to the CFRA.

18 [2] The hearing on Defendant's motion to strike, currently
19 set for August 12, 2013, is VACATED.

20 [3] Plaintiff's counsel is SANCTIONED in the amount of one
21 hundred and fifty dollars (\$150). This sum shall be
22 paid to the Clerk of the Court no later than thirty (30)
23 days from the date of this order.

24 [4] Counsel for Plaintiff SHALL file an affidavit
25 accompanying the payment of this sanctions which states
26 that it is paid personally by counsel, out of personal

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funds, and is not and will not be billed, directly or indirectly, to the client or any way made the responsibility of the client as attorneys' fees or costs.

IT IS SO ORDERED.

DATED: July 29, 2013.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT