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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

ACE BRUNK,

Defendant.

No. 2:14-cv-1277-MCE-EFB

ORDER TO SHOW CAUSE

Plaintiff filed a motion seeking the imposition of sanctions pursuant to Federal Rule of Civil Procedure 37(b)(2) based on defendant's failure to comply with the court's order requiring discovery responses to be served by June 19, 2017. ECF No. 22. Plaintiff noticed his motion for hearing on July 12, 2017. *Id.*

As the motion only sought the imposition of sanctions, Local Rule 251(e) applied. *See* E.D. Cal. L.R. 251(e) (providing that the requirement that the parties file a Joint Statement re Discovery Disagreement does not apply "when the only relief sought by the motion is the imposition of sanctions."). Under Local Rule 251(e), a responding party must file a response to the discovery motion at issue no later than seven days before the hearing or, in this instance, by July 5, 2017. Local Rule 110 provides that failure to comply with the Local Rules "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court."

1 Defendant failed to timely file an opposition to the motion. However, the day before the
2 scheduled hearing, and just hours before the close of business, plaintiff withdrew his motion for
3 sanctions, indicating that defendant had “just sent in its responses to discovery, including
4 verifications.” ECF No. 24. *Id.*

5 While resolving discovery disputes is always to be encouraged, there appears to be no
6 justification for defendant’s failure to respond to the motion in violation of the court’s Local Rule
7 251(e). Nor is it excusable that defendant’s counsel did not respond to the discovery until the day
8 before the hearing date. The result has been that the court and its staff wasted already strained
9 judicial resources preparing for the hearing on a motion that is now moot.

10 Accordingly, good cause appearing, it is hereby ORDERED that defendant’s counsel shall
11 show cause, in writing, no later than August 1, 2017, why sanctions should not be imposed for
12 failure to timely file an opposition or a statement of non-opposition to plaintiff’s motion in
13 violation of the court’s local rules.

14 DATED: July 17, 2017.

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16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE
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