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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GLOBAL COMMUNITY MONITOR, a
California nonprofit corporation;
LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA LOCAL UNION
NO. 783, an organized labor union;
RANDAL SIPES, JR., an individual;
and RUSSEL COVINGTON, an
individual,

Plaintiffs,

v.

MAMMOTH PACIFIC, L.P., a California
Limited Partnership; ORMAT NEVADA,
INC., a Delaware Corporation; ORMAT
TECHNOLOGIES, INC., a Delaware
Corporation; and DOES I-X, inclusive,

Defendants.

No. 2:14-cv-01612-MCE-KJN

ORDER

This case is here on remand after the Ninth Circuit Court of Appeals reversed in part this Court's order imposing sanctions in the amount of \$1500 on Defendants' counsel. The appellate court determined that: (1) "to the extent the district court based its decision to sanction defendants on the grounds that their filings were frivolous and violated the court's warning not to use footnotes to avoid page limits, [this Court] did not abuse its discretion"; but (2) "to the extent the district court based its decision on the

1 ground that the defendants' filings exceeded the page limits set by the Pretrial
2 Scheduling Order, it was clearly erroneous." ECF No. 115 at 1. That court thus
3 remanded for this Court to make "a determination of whether sanctions are appropriate
4 in light of the correct page limits." Id. at 2. Having reviewed the decision of the appellate
5 court and the record in its entirety, the Court hereby modifies its sanctions order as
6 follows:

- 7 1. To the extent sanctions were imposed for violating the Court's page
8 limitations, that order is VACATED;
- 9 2. The imposition of sanctions based on Defendants' frivolous filings and use of
10 footnotes is AFFIRMED;
- 11 3. The amount of the sanctions is therefore reduced from \$1500 to \$750; and
- 12 4. The Clerk of the Court is directed to disburse \$750 from the \$1500 collected
13 on January 30, 2017, to Holland and Hart LLP.

14 IT IS SO ORDERED.

15 Dated: April 24, 2018

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17 MORRISON C. ENGLAND, JR.
18 UNITED STATES DISTRICT JUDGE
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