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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

LEONCIO NATERAS RUIZ, et al.,

Defendants.

No. 2:14-cv-1663 WBS AC

ORDER and ORDER TO SHOW CAUSE

On August 19, 2016, the court ordered defendant Robert Devita to appear for a judgment debtor examination on August 31, 2016 at 10:00 a.m. ECF No. 37. Neither defendant nor his counsel, Michael David Welch, Esq., appeared for the examination. See ECF No. 40. Plaintiff has submitted a proposed order certifying facts of contempt, based upon Devita's failure to appear for his examination. ECF No. 41.

On July 21, 2016, the court ordered defendant Leoncio Nateras Ruiz to appear for a judgment debtor examination on September 21, 2016 at 10:00 a.m. ECF No. 35. Neither defendant nor his counsel, Michael David Welch, Esq., appeared for the examination. See ECF No. 42.

Both represented defendants have now, without explanation, failed to attend their scheduled examinations. Moreover, their counsel, Michael David Welch, Esq., has failed to produce his clients for their examinations, has failed to notify the court that his clients would not

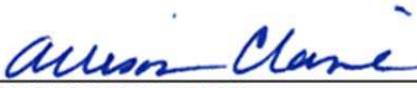
1 attend, and he has provided no explanation for his clients' failures to attend their examinations.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. If plaintiff wishes the undersigned to certify facts of contempt regarding the failures of
4 defendants Devita and Nateras Ruiz to attend their examinations, he shall file a noticed motion
5 requesting such relief, as authorized by 28 U.S.C. § 636(e)(6)(B)(iii), no later than 30 days from
6 the date of this order. Any such motion shall be accompanied by a declaration setting forth the
7 facts to be certified to the presiding district judge.

8 2. Defendant's counsel, Michael David Welch, Esq., SBN 111022, of MICHAEL WELCH +
9 ASSOCIATES, is ORDERED TO SHOW CAUSE, in writing no later than September 28, 2016,
10 why he should not be sanctioned for failing to produce his clients at their respective judgment
11 debtor examinations, for failing to notify plaintiff or the court that his clients would not be
12 attending, and for failing to provide any explanation for his clients' failure to attend.

13 DATED: September 21, 2016

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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