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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DIRECTV, LLC,

12 Plaintiff,

13 v.

14 JOHN W. SCOTT,

15
16 Defendant.
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No. 2:14-cv-2563-JAM-KJN PS

ORDER

18 Plaintiff DIRECTV, LLC commenced this action on November 3, 2014. (ECF No. 1.)
19 Plaintiff's complaint alleges that, on or about November 3, 2013, defendant displayed DIRECTV
20 satellite programming, including National Football League games, at defendant's establishment,
21 Scotty's Boat Landing in Chico, California, to the public for commercial benefit without
22 obtaining valid commercial exhibition rights. Plaintiff asserts claims for violation of the Cable
23 Communications Policy Act, 47 U.S.C. § 605(e)(3)(c); violation of 18 U.S.C. § 2511; and civil
24 conversion. (See ECF No. 2.)

25 A proof of service filed with the court indicates that defendant was personally served with
26 process on December 9, 2014. (ECF No. 6.)

27 On January 5, 2015, defendant filed what the Clerk of Court has liberally construed and
28 docketed as an answer. (ECF No. 5.) Most of that document consists of plaintiff's original

1 complaint, the summons, and other initial case documents on which defendant has simply written
2 the following on each page: “I do not consent to Respondent’s offer to contract; I do not consent
3 to Respondent’s jurisdiction; I do not consent to this proceeding.” Defendant also attached
4 several pages of nonsensical commentary setting forth Sovereign Citizen-type ideology.

5 On January 22, 2015, in light of the appearance of defendant without counsel, the district
6 judge issued a minute order referring the case to the undersigned pursuant to Local Rule
7 302(c)(21). (ECF No. 8.) The court then set a status (pretrial scheduling) conference for April
8 16, 2015, requiring the parties to meet and confer, and file a joint status report addressing
9 specified topics not less than 14 days prior to the conference. (ECF No. 10.)

10 Subsequently, on April 2, 2015, plaintiff filed a status report on its own behalf. (ECF No.
11 11.) The status report indicates that plaintiff’s counsel has been unable to communicate with
12 defendant, despite attempting contact by e-mail, telephone, and letter.

13 Finally, on April 13, 2015, defendant filed a “Third Party Intervener’s Plea in Abatement
14 for Want of Personal, Territorial, and Subject Matter Jurisdiction.” (ECF No. 13.) That
15 document is again filled with largely unintelligible Sovereign Citizen-type challenges to the
16 authority and jurisdiction of this court.

17 At the April 16, 2015 status conference, attorney Christopher Hufnagel appeared
18 telephonically on behalf of plaintiff and defendant failed to appear. (ECF No. 14.) Consistent
19 with the discussions at the status conference, IT IS HEREBY ORDERED that:

- 20 1. Defendant’s purported answer (ECF No. 5) is STRICKEN for failure to comply with
21 the Federal Rules of Civil Procedure.
- 22 2. Within 21 days of this order, defendant shall file an amended answer to plaintiff’s
23 complaint that complies with the Federal Rules of Civil Procedure, including Federal
24 Rule of Civil Procedure 8. The amended answer shall be captioned “First Amended
25 Answer to Plaintiff’s Complaint.”
- 26 3. Failure to file an amended answer by the required deadline OR failure to file an
27 amended answer that complies with the Federal Rules of Civil Procedure will result in
28 an order striking that pleading and directing the Clerk of Court to enter defendant’s

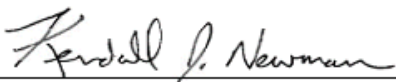
1 default, whereupon plaintiff will be permitted to move for a default judgment.

2 4. Once a compliant answer is filed, the court will set further dates for filing a joint status
3 report and/or a further status conference.

4 5. Defendant is cautioned that future failure to comply with any court order, the Federal
5 Rules of Civil Procedure, or this court's Local Rules¹ may result in the imposition of
6 any appropriate sanctions.

7 IT IS SO ORDERED.

8 Dated: April 17, 2015

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ¹ A copy of the court's Local Rules may be obtained from the Clerk's Office or on the court's
website at <http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>.