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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALVIN MOUNTJOY,  
  
Plaintiff,  
  
v.  
  
BANK OF AMERICA N.A., SETERUS,  
INC., FEDERAL NATIONAL  
MORTGAGE ASSOCIATION, and  
RECONTRUST,  
  
Defendants.

No. 2:15-cv-2204 TLN DB

ORDER

On March 1, 2021, defendant Seterus, Inc., noticed a motion to compel for hearing before the undersigned on March 19, 2021, pursuant to Local Rule 302(c)(1). (ECF No. 75.) Pursuant to Local Rule 251(e), plaintiff was to “file a response thereto not later than seven (7) days before the” March 19, 2021 hearing. Plaintiff, however, failed to file a response.

Accordingly, on March 16, 2021, the undersigned issued plaintiff an order to show cause. (ECF No. 76.) That order continued the hearing of defendant’s motion to compel to April 16, 2021, ordered plaintiff to show good cause in writing within fourteen days, and provided plaintiff a second opportunity to file a response to defendant’s motion to compel by April 2, 2021. (ECF No. 76 at 1-2.) The order cautioned plaintiff that the failure to comply with that order could result in sanctions. (Id. at 2.) Plaintiff, however, did not respond to the March 16, 2021 order in

1 any manner. Accordingly, on April 14, 2021, the undersigned issued an order granting  
2 defendant's motion to compel and awarding defendant sanctions. (ECF No. 78.)

3 On March 24, 2021, defendant filed another motion to compel, seeking responses without  
4 objection to defendant's Request for Production, Set One, as well as the award of monetary  
5 sanctions. (ECF No. 77.) The motion includes as an exhibit an email from plaintiff's counsel  
6 discussing the discovery at issue dated March 8, 2021. (Id. at 51.) Nonetheless, plaintiff filed  
7 nothing in response to defendant's motion to compel. Instead, on April 23, 2021, defendant filed  
8 a supplemental statement explaining that defendant attempted to draft a Joint Statement with  
9 plaintiff but "did not receive any response from Plaintiff[.]" (ECF No. 79 at 2.)

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The April 30, 2021 hearing of defendant's motion to compel (ECF No. 77) is vacated;
- 12 2. Defendant's motion to compel filed on March 24, 2021 (ECF No. 77) is granted;
- 13 3. Plaintiff shall produce to defendant responsive documents, without objection, within  
14 twenty-one days of the date of this order; and
- 15 4. On or before **May 21, 2021**, plaintiff's counsel shall pay defendant \$1,840.<sup>1</sup>

16 Dated: April 26, 2021

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19 DEBORAH BARNES  
20 UNITED STATES MAGISTRATE JUDGE

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23 DLB:6  
24 DB/orders/orders.civil/mountjoy2204.mtc2.gmt

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26 <sup>1</sup> Although defendant's motion sought a sanction of \$3,640, that amount assumed the expenditure  
27 of 6 hours of attorney time at a rate of \$300 to review plaintiff's opposition and appear at the  
28 April 30, 2021 hearing. (ECF No. 79 at 7.) Those hours, ultimately, were not expended. The  
\$1,840 sanction shall be paid entirely by plaintiff's counsel and may not be passed on to the  
plaintiff.