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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ADAM VAN HULTEN,  
Plaintiff,  
v.  
ABBA BAIL BONDS, et al.,  
Defendants.

No. 2:16-cv-02459 TLN CKD

ORDER

On November 29, 2017, the court held a hearing on plaintiff’s motion for an order compelling discovery and for an order to show cause why defendants should not be held in contempt of court. (ECF No. 41.) David Deason appeared telephonically for plaintiff, and Timothy Hanigan appeared telephonically for defendants.

Plaintiff asserts that “after defendants’ failure to comply with the court’s three previous discovery orders, a finding of contempt is warranted and necessary to advance to the next stage of litigation.” On June 28, 2017, the court ordered defendants to serve supplemental discovery responses; on August 11, 2017, the court again ordered defendants to serve responses and imposed monetary sanctions; and on October 2, 2017, the court again ordered responses and imposed additional monetary sanctions. To date, defendants have not provided any discovery responses to plaintiff. At the hearing, attorney Hanigan represented that the records sought are not in defendants’ possession or control, but defendants are in the process of obtaining them from

1 third parties.

2 Defendants have also failed to comply with past orders imposing monetary sanctions.  
3 After the court granted defendants' previous attorney's motion to withdraw, it ordered Un to  
4 appear in propria persona at the September 27, 2017 hearing. She did not appear, and on October  
5 2, 2017, the court ordered her to serve outstanding responses and pay plaintiff's counsel \$3,000  
6 in sanctions by October 6, 2017. Defendants have ignored these orders and still owe \$3,000 in  
7 outstanding sanctions.

8 Plaintiff argues in his motion that the court should issue an Order to Show Cause why  
9 defendants should not be held in contempt of court. See Fed. R. Civ. P. 37(b)(2)(A)(vii) (court  
10 may "treat[] as contempt of court the failure to obey any order except an order to submit to a  
11 physical or mental examination"). Since the motion was filed, however, attorney Hanigan has  
12 filed a notice of appearance as defendants' counsel and appears willing to cooperate with  
13 plaintiff's counsel in providing discovery responses as soon as possible. At the hearing, both  
14 parties' counsel were amenable to a December 30, 2017 deadline for all outstanding discovery  
15 responses. Attorney Hanigan also represented that he would urge defendants to pay the  
16 outstanding sanctions by that date. In light of these developments, the court will abstain at this  
17 time from issuing an order to show cause why defendant Un should not be held in contempt of  
18 court. However, Ms. Un's conduct in this action borders on egregious, and any further delay in  
19 following court orders will not be tolerated.

20 Accordingly, IT IS HEREBY ORDERED THAT:

21 1. Plaintiff's motion to compel and for sanctions (ECF No. 41) is granted in part and  
22 denied in part;

23 2. Defendants shall serve supplemental responses to plaintiff's First Set of Requests for  
24 Production of Documents and Interrogatories, including production of all responsive documents,  
25 without objection, no later than December 30, 2017; and

26 ///

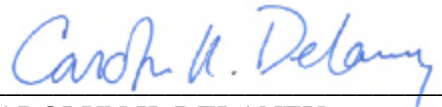
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3. Defendants shall pay all outstanding monetary sanctions to defendants' counsel no later than December 30, 2017.

Dated: December 4, 2017

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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