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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 REGINALD WATKINS,

12 Plaintiff,

13 v.

14 INVESTMENT RETRIEVERS, INC.,

15 Defendant.
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No. 2:17-cv-01348-KJM-CKD

ORDER

17 On October 12, 2017, the court ordered plaintiff's counsel, Jonathan Aaron
18 Stieglitz, to show cause why he should not be sanctioned: (1) \$250.00 for failing to appear at the
19 October 6, 2017 status conference and hearing on defendant's motion to dismiss, and (2) \$250.00
20 for failing to designate Rachel Drake or the appropriate acting counsel as attorney of record for
21 plaintiff. ECF No. 19. Mr. Stieglitz responded to the order to show cause on October 17, 2017.
22 ECF No. 20. Defendant filed a reply that same day. ECF No. 21. Mr. Stieglitz filed a second
23 response on October 19, 2017. ECF Nos. 22, 22-1.

24 The court has reviewed Mr. Stieglitz's responses and determines he has not shown
25 sanctions should not be imposed for his failure to appear. Mr. Stieglitz explains his request for
26 telephonic appearance, filed on September 7, 2017 and denied by this court on September 12,
27 2017, was submitted in error. *See* ECF No. 20, p. 2; ECF No. 14; ECF No. 15. Mr. Stieglitz later
28 realized observance of a religious holiday on October 6, 2012 would prohibit him from attending

1 the conference and hearing. ECF No. 20, p. 2. Mr. Stieglitz states he did not request continuance
2 of the hearing because he was unable to obtain consent from defendant's counsel. *Id.* Instead, Mr.
3 Stieglitz sent "local counsel" who is not an attorney of record in this action. *Id.*

4 Local Rule 230(f) permits counsel to submit "[r]equests for continuances of
5 hearings on the motion calendar, upon stipulation or otherwise, . . . at least seven (7) days before
6 the scheduled hearing date." Accordingly, Mr. Stieglitz had ample opportunity to request
7 continuance, with or without opposing counsel's consent, after the court denied his request for
8 telephonic appearance on September 12, 2017.

9 The court further determines Mr. Stieglitz has not shown sanctions should not be
10 imposed for failing to designate Rachel Drake or appropriate acting counsel as attorney for
11 plaintiff. Mr. Stieglitz states his client, Reginald Watkins, retained Ms. Drake's New Jersey law
12 firm, RC Law Group, PLLC, and later retained Mr. Stieglitz "to serve as California counsel in
13 this action." *Id.* at p. 3. Mr. Stieglitz refers to Ms. Drake as his "co-counsel." *Id.* He further states
14 Ms. Drake "drafted the initial Discovery Plan," but later sought review, comments and approval
15 from Mr. Stieglitz. *Id.*

16 Local Rule 182(a)(1) provides "no attorney may participate in any action unless
17 the attorney has appeared as an attorney of record." Ms. Drake had not appeared as an attorney of
18 record in this action, as Mr. Stieglitz knew at the time he filed documents with the court.
19 Accordingly, sanctions are warranted.

20 Although the court previously signaled its intent to impose \$500 in sanctions for
21 Mr. Stieglitz's multiple violations, it now imposes \$250 in light of Mr. Stieglitz's timely
22 responses to the order to show cause and the steps he has initiated to ensure compliance, however
23 belated, with the Local Rules.

24 In accordance with the above, IT IS HEREBY ORDERED counsel for plaintiff
25 shall pay \$250 in sanctions to the Clerk of the Court within ten days of this order, without passing
26 this cost to his client.

27 DATED: October 30, 2017.

28 
UNITED STATES DISTRICT JUDGE