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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAMLESH BANGA,  
  
Plaintiff,  
  
v.  
  
AMERIPRISE AUTO & HOME  
INSURANCE AGENCY and IDS  
PROPERTY CASUALTY INSURANCE  
COMPANY,  
  
Defendants.

No. 2:18-cv-01072 MCE AC PS

ORDER

Plaintiff is proceeding in this action pro se and the case was accordingly referred to the undersigned by Local Rule 302(c)(21). Pending before the court are plaintiff's motions for sanctions. ECF Nos. 169, 173, 174.<sup>1</sup> Defendants have requested an extension of time to oppose the initial sanctions motion. ECF No. 170. That motion is GRANTED, and all papers have been considered. Plaintiff's motions for sanctions (ECF Nos. 169, 173, 174) are DENIED for the reasons explained below.

**I. Relevant Procedural Background**

This action stems from a dispute over insurance coverage for alleged damage to plaintiff's

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<sup>1</sup> It appears that ECF No. 174 was intended to replace the earlier filed motions, but out of an abundance of caution, the court reviewed all three motions and rules on each.

1 home caused by a windstorm on January 18, 2016. Revised Third Amended Complaint  
2 (“RTAC”), ECF No. 67-3 at 1. Plaintiff sued Ameriprise in state court on January 18, 2018, and  
3 Ameriprise removed the action to this court based upon diversity of citizenship (28 U.S.C. §  
4 1332). Id. IDS Property Casualty Insurance Company was added as a co-defendant. Id. Plaintiff  
5 brings multiple claims against defendant insurers, including breach of contract, bad faith, unfair  
6 & unlawful business practices under California’s Unfair Competition Law, intentional  
7 misrepresentation, negligent misrepresentation, and intentional/negligent infliction of emotional  
8 distress. Id. at 10-21. Discovery in this case concluded in March of 2021. ECF Nos. 91, 117.  
9 Both defendants moved for summary judgment. ECF Nos. 124, 125. On November 15, 2021, the  
10 undersigned recommended that summary judgment be granted in favor of defendants on all  
11 claims, and that this case be closed. ECF No. 162. Plaintiff objected to the findings and  
12 recommendations. ECF Nos. 164, 165. The findings and recommendations remain pending  
13 before the district judge assigned to this case.

14 In December of 2021 and January of 2022, plaintiff filed the Rule 11 sanctions motions  
15 that are under consideration here. ECF No. 174, 163 and 169. Defendants oppose each noticed  
16 motion for sanctions. ECF Nos. 176, 177.

## 17 **II. Standard for Sanctions Motion**

18 Federal Rule of Civil Procedure 11 and Local Rule 110 allow the court to issue sanctions  
19 in the event of party or attorney misconduct. District courts retain broad discretion to control  
20 their dockets and “[i]n the exercise of that power they may impose sanctions, including where  
21 appropriate, default or dismissal.” Adams v. California Dep’t of Health Servs., 487 F.3d 684, 688  
22 (9th Cir. 2007) (brackets in original) (quoting Thompson v. Hous. Auth. of City of Los Angeles,  
23 782 F.2d 829, 831 (9th Cir. 1986) (per curiam).

## 24 **III. Analysis**

25 Plaintiff’s motions for sanctions allege that defendants made various factual  
26 misrepresentations in their motions for summary judgment. See, e.g., ECF No. 174-1 at 6 (“IDS  
27 and its counsels violated Federal Rule of Civil Procedure 11 (‘Rule 11’) by repeatedly  
28 misrepresenting to the Court that Plaintiff’s Revised Third Amended Complaint was barred by

1 one year suit limitations because on April 26, 2016, IDS unequivocally denied Plaintiff's claim  
2 for damage to the roof and as of that date, IDS denied Banga's claim for damage to her roof and  
3 this case should be closed.") The undersigned has reviewed plaintiff's motions and defendants'  
4 oppositions and finds that the motions attempt to re-litigate the summary judgment motions. The  
5 undersigned finds no concrete evidence of fraud upon the court or misrepresentations of fact, and  
6 therefore declines to issue sanctions. The findings and recommendations on the motions for  
7 summary judgment remain pending.

8 **IV. Conclusion**

9 For the reasons explained above, plaintiff's motions for sanctions (ECF Nos. 169, 173,  
10 and 174) are DENIED. Defendants' motion for an extension of time (ECF No. 170) is  
11 GRANTED.

12 IT IS SO ORDERED.

13 DATED: February 9, 2022

14   
15 ALLISON CLAIRE  
16 UNITED STATES MAGISTRATE JUDGE  
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