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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

)	
)	
KATHLEEN Y. DANIELS,)	No. C06-6348 MHP (BZ)
)	
Plaintiff(s),)	
)	ORDER IMPOSING SANCTIONS
)	
v.)	
)	
)	
UNUM LIFE INSURANCE COMPANY)	
OF AMERICA, et al.,)	
)	
)	
Defendant(s).)	
<hr style="width: 80%; margin-left: 0;"/>)	

On December 2, 2008, I ordered plaintiff to show cause why she should not be held in contempt or otherwise sanctioned for failing to appear at the December 2, 2008 settlement conference. Plaintiff filed a written response on December 15, 2008. Defendants filed their own response, requesting plaintiff be sanctioned for not attending the settlement conference.

The Order To Show Cause was heard on January 7, 2009. Plaintiff appeared personally as did Horace Green, Esq. representing defendants. Having considered the written and

1 oral arguments of both parties I find that plaintiff has failed
2 to justify substantially her non-appearance. Essentially, her
3 explanation is that she thought that at a November 17, 2008
4 hearing, Judge Patel stayed the settlement conference while she
5 was trying to find new counsel through the court's Pro Bono
6 Assistance Program and that she did not think a settlement
7 conference would be productive until she had new counsel.
8 However, plaintiff could not satisfactorily explain why, on
9 October 29, 2008, she opposed defendants' request to continue
10 the December 2, 2008 settlement conference. Nor could she
11 satisfactorily explain why, when she received Mr. Green's
12 settlement conference statement dated November 24, 2008 and
13 learned that Mr. Green believed that the settlement conference
14 was still on calendar for December 2, she did not communicate
15 her purported confusion to Mr. Green. As he stated during the
16 hearing, he would have gladly stipulated to continuing the
17 settlement conference, which he had earlier tried to continue by
18 motion over Ms. Daniels' opposition. Finally, nothing I can
19 find in the record justifies her belief that Judge Patel stayed
20 all proceedings. The minutes of the November 17, 2008 hearing
21 state only: "Discovery stayed until 12/8/2008."

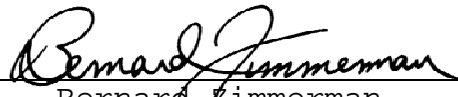
22 For all these reasons, sanctions are warranted pursuant to
23 Rule 16(f) for plaintiff's failure to appear at the settlement
24 conference as ordered by the Court. Defendants' proposed
25 sanction of \$2,133.00, representing Mr. Green's time in
26 preparing for and attending the settlement conference, is
27 appropriate. Mr. Green has documented his time and
28 it appears that the requested fees were incurred reasonably

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because of plaintiff's non-compliance.

It is therefore **ORDERED** that plaintiff pay defendants \$2,133.00 representing the costs Mr. Green reasonably incurred in preparing for and attending the December 2, 2008 settlement conference. The Order to Show Cause is otherwise **DISCHARGED**.

Dated: January 7, 2009



Bernard Zimmerman
United States Magistrate Judge

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