

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHERYL COTTERILL,

Plaintiff,

No. C 08-02295 JSW

v.

SF CITY AND COUNTY, ET AL.,

Defendants.

**ORDER RE SANCTIONS
AMOUNT**

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This case is on remand from the Ninth Circuit Court of Appeals for the purpose of allowing this Court the fullest opportunity to exercise its discretion to order the proper amount in sanctions against attorney Gregory M. Haynes for his conduct in the underlying litigation. The Court found, and the Ninth Circuit affirmed, that Mr. Haynes had unreasonably and vexatiously multiplied the underlying proceedings. The Court of Appeals remanded only for the limited purpose of allowing this Court to exercise its discretion with regard the specific amount of sanctions with reference to Mr. Haynes’ ability to pay: “... we remand for the district court to reconsider its sanctions award in light of our holding that it has the discretion to reduce the award because of Haynes’s inability to pay. We affirm the district court’s order in all other respects.” 2012 WL 2993125, at *1 (9th Cir. July 23, 2012).


The Court held a conference with Mr. Haynes and counsel for Defendants in this matter on Friday, May 17, 2013. At the conference, the Court ordered Mr. Haynes to provide a declaration on or before June 7, 2013, regarding the amount he is able to pay of the sanctions

1 levied against him pursuant to 28 U.S.C. § 1927 in the amount of \$362,545.61. The Court
2 specifically instructed Mr. Hayes to include evidence regarding his expectations for
3 forthcoming amounts possibly procured in his currently-pending matters.

4 In his response, devoid of evidentiary support or specific reference to sources of current
5 or future income or specific amount of expenses, Mr. Haynes simply states that he is presently
6 only able to provide a nominal sanctions payment in the amount of \$500. Mr. Haynes has failed
7 to provide necessary information to the Court upon which it could reasonably determine that
8 counsel would be unable to satisfy the monetary sanction awarded in this case in the future.
9 Accordingly, having failed to meet his burden once again, the Court finds that its original order
10 of sanctions was reasonable. The Court exercises its discretion to retain the award of
11 \$362,545.61 pursuant to 28 U.S.C. § 1927 for the amount of excess costs incurred by
12 Defendants as a result of Mr. Haynes' unreasonable and vexatious litigation conduct. It will be
13 the task of Defendants to collect on this amount.

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15 **IT IS SO ORDERED.**

16 Dated: June 18, 2013

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19 JEFFREY S. WHITE
20 UNITED STATES DISTRICT JUDGE
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