



1 On November 16, 2012, the Court ordered Ms. Cutshall (1) to file  
2 her past ex parte communications -- specifically, the letters she  
3 emailed to the Court on November 14 and 15, 2012 -- in the Court's  
4 electronic case filing system ("ECF") by 12:00 p.m. Pacific  
5 Standard Time on November 30, 2012, and (2) to desist from further  
6 ex parte communication with the Court. ECF No. 101 ("Nov. 16  
7 Order"). As the Court explained at that time:

8 [T]his case is, like every lawsuit, a matter of  
9 public record. Both Plaintiff and the public  
10 have a right to know what Ms. Cutshall says to  
11 the Court, just as Ms. Cutshall has a right to  
12 know what Plaintiff says to the Court. Ms.  
13 Cutshall shall DESIST from further ex parte  
14 communication with the Court. Put plainly,  
15 that means if Ms. Cutshall wants to ask the  
16 Court for something, she must file a motion  
17 through ECF. The Court will disregard and  
18 ignore any further communication from Ms.  
19 Cutshall unless it is filed in this case's  
20 docket through ECF.

21 Id. at 3-4.

22 Ms. Cutshall has not complied with the Court's November 16  
23 Order. With respect to the Order to file her previous letters, Ms.  
24 Cutshall did not do so by the deadline or at any time since. With  
25 respect to the Order that she desist from further ex parte  
26 communication, Ms. Cutshall sent the Court another ex parte letter  
27 on December 7, 2012. The Court construes that letter as a request  
28 for relief from the requirement that Ms. Cutshall refrain from ex  
parte communication. The request, so construed, is DENIED, for the  
reasons stated in the November 16 Order. Plaintiff has a right to  
know what Ms. Cutshall says to the Court.

The hearing scheduled for December 17, 2012 remains  
undisturbed. The hearing shall be held at 10:00 a.m. Pacific  
Standard Time on December 17, 2012, in Courtroom One, United States

1 Courthouse, 450 Golden Gate Avenue, San Francisco, California. Ms.  
2 Cutshall shall appear in person for the hearing or the Court will  
3 enter her default in Case No. 10-cv-1561-SC.

4 At the hearing, the Court will also consider the matter of  
5 sanctions. Sanctions may include payment of a fine. Ms. Cutshall  
6 may respond to the OSC either by (1) appearing in person or through  
7 counsel at the December 17 hearing, or (2) filing through ECF a  
8 brief of no more than five (5) pages, due at 12:00 p.m. Pacific  
9 Standard Time on Friday, December 14, 2012, or (3) both appearing  
10 and filing a brief in ECF. Ms. Cutshall may not respond in any  
11 other way.

12 Lastly, even if Ms. Cutshall elects to file a brief in  
13 response to the OSC, Ms. Cutshall is still required to attend the  
14 December 17 hearing in person or through counsel to avoid default  
15 in this case.

16  
17 IT IS SO ORDERED.

18  
19 Dated: December 10, 2012



20 UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26  
27  
28