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

INNOSPAN CORP.,

No. C 10-04422 WHA

Plaintiff,

v.

**ORDER DENYING
LEAVE TO FILE
RULE 72 MOTION**

INTUIT, INC., MINT SOFTWARE, INC.,
SHASTA VENTURES GP, LLC, and
DOES 1–20,

Defendants.

AND RELATED COUNTERCLAIMS.

All discovery disputes in this action were referred to Magistrate Judge Spero. On July 7, 2011, Judge Spero partially granted defendants' motion for sanctions for plaintiff's discovery abuse. The July 7 order required plaintiff to reimburse defendants for the reasonable fees and costs they incurred litigating the sanctions motion and related discovery disputes (Dkt. No. 181). On August 4, following briefing on the proper amount of the payment, Judge Spero ordered plaintiff to pay defendants \$272,603.10 in attorney's fees and costs (Dkt. No. 189). Plaintiff now seeks leave to challenge this monetary sanction in a motion under FRCP 72(a) (Dkt. No. 190). Defendants oppose (Dkt. No. 191). Plaintiff's request is **DENIED**.

First, the majority of plaintiff's arguments are untimely. Although plaintiff's request purports to target the August 4 order, all but one of plaintiff's objections address the July 7 order


1 imposing sanctions, not the August 4 order determining the amount of the payment. Objections
2 under Rule 72(a) must be filed within fourteen days after being served with a copy of the
3 challenged order. Plaintiff's counsel received a copy of the July 7 order the day it was filed but
4 did not file the instant request until August 16. That was too late.

5 *Second*, plaintiff's lone objection to the amount of monetary sanctions found reasonable in
6 the August 4 order is not persuasive. That objection is not adequately explained and does not
7 show good cause for suspecting that Judge Spero was clearly erroneous in finding \$272,603.10 —
8 less than two-thirds of defendant's requested sanction amount — to be reasonable. Moreover,
9 defendants' explanation of the figures cited by plaintiff are credible.

10 Good cause not having been shown, plaintiff's request to file a Rule 72 motion is **DENIED**.
11 Plaintiff must comply with all aspects of the July 7 and August 4 orders.

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13 **IT IS SO ORDERED.**

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15 Dated: August 18, 2011.

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18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE
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