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

FLORENCIO L. OMEGA, et al.,

No. C 11-02621 JSW

Plaintiffs,

**ORDER IMPOSING MONETARY
SANCTIONS**

v.

WELLS FARGO & CO., et al.,

Defendants.

On November 9, 2011, this Court issued an Order to Show Cause directing Plaintiffs to show cause why this case should not be dismissed for failure to prosecute. The Court issued that order because Plaintiffs, for the second time in this case, failed to file a timely response to motions filed by the Defendants. On November 14, 2011, Plaintiffs filed their response to the Order to Show Cause. The Court found Plaintiffs' response insufficient. Accordingly, on December 2, 2011, it issued a further order directing Plaintiffs' counsel to show cause why sanctions in the amount of \$500.00 should not be imposed for failing to comply with this Court's deadlines and to diligently prosecute this case.

The Court has considered Plaintiffs' counsel's responses and Defendant's objections thereto. (Docket Nos. 45-46, 49, 52.) Plaintiffs' counsel argues that his failure to comply with the Court's deadlines was due to his overwhelming case load and was not intentional. In order to validly impose a sanction, "the conduct in question must in fact be sanctionable under the authority relied upon." *United States v. Stoneberger*, 805 F.2d 1391, 1392 (9th Cir. 1986). Under Northern District Local Rule 1-4, "[f]ailure by counsel ... to comply with any duly promulgated local rule or any Federal Rule may be a ground for imposition of any authorized

1 sanction.” In this case, the Court issued the Order to Show Cause because counsel failed to
2 comply with the Court’s deadlines for filing opposition briefs to motions, which are governed
3 by Local Rule. The Court also noted that counsel had not been diligent in prosecuting the case,
4 which - in certain cases - can lead to dismissal under Federal Rule of Civil Procedure 41.

5 The Court does not find Plaintiffs’ counsel’s response to be sufficient, especially in light
6 of materials submitted by Defendant. Accordingly, the Court **HEREBY IMPOSES** sanctions in
7 the amount of \$500.00 for Plaintiffs’ failure to comply with this Court’s Order. Plaintiffs’
8 counsel shall pay these sanctions to the Clerk of the Court by no later than March 16, 2012, and
9 counsel shall not pass these costs along to Plaintiffs.

10 **IT IS SO ORDERED.**

11 Dated: March 2, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE