

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL M HAYNES,  
Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,  
Defendants.

Case No. [13-cv-01567-MEJ](#)

**ORDER GRANTING REQUEST FOR  
DISCOVERY AND ORDER TO SHOW  
CAUSE**

On March 19, 2014, the parties settled this case at a settlement conference with Magistrate Judge Elizabeth Laporte. Dkt. No. 37. The Court dismissed the case but retained jurisdiction for enforcement of the parties' agreement. Dkt. No. 39. As Plaintiff subsequently failed to sign the agreement, Defendants filed a motion to enforce the settlement, which the Court granted on October 30, 2014. Dkt. No. 66. The Court ordered Plaintiff to sign the written settlement agreement and provide it to Defendants' counsel by October 31, 2014. *Id.*

On February 4, 2015, Plaintiff ordered a transcript of the hearing on Defendants' motion to enforce the settlement. Dkt. No. 74. He then filed a writ petition asking the Ninth Circuit Court of Appeals to vacate this Court's orders enforcing the settlement. *See* Dkt. No. 75. The Ninth Circuit denied the writ petition on February 25, 2015, "without prejudice to renewing the arguments in a subsequent appeal after a final judgment has been entered in the district court." Ofierski Decl. ¶ 3 & Ex. A, Dkt. No. 78.

On March 12, 2015, Defendants filed the present motion requesting that the Court reopen discovery for the limited purpose of obtaining evidence of the distribution of the funds the City has paid in settlement of Plaintiff's claims. Mot., Dkt. No. 77. Defendants state that Plaintiff still has not signed the agreement as ordered and has not dismissed his claims as required by the

1 agreement. *Id.* at 2. However, Defendants already issued a check for the full settlement amount,  
2 payable to Plaintiff's now former attorney Charles Bonner, and Mr. Bonner informed Defendants  
3 that he provided Plaintiff with his share of the settlement amount. *Id.*; Ofierski Decl. ¶ 4.  
4 Defendants maintain that whether Plaintiff obtained the benefit of the settlement bears on his legal  
5 and equitable rights to contest the settlement. Mot. at 2. They seek to reopen discovery for the  
6 limited purpose of confirming that Plaintiff has received the settlement proceeds. *Id.*

7 Given Plaintiff's failure to comply with the Court's previous orders, the Court GRANTS  
8 Defendants' request to reopen discovery for the limited purpose of confirming that Plaintiff  
9 received the settlement proceeds. Defendants may issue a subpoena directed to Charles Bonner  
10 and a document production request to Plaintiff regarding the settlement proceeds.

11 Further, the Court hereby ORDERS Plaintiff Paul M. Haynes to show cause why he should  
12 not be held in contempt for failure to comply with the Court's previous order. Plaintiff is advised  
13 that sanctions for contempt of court may include dismissal of this case with prejudice, a monetary  
14 fine that accrues on a daily basis until Plaintiff signs the settlement agreement, or remanding him  
15 to the custody of the United States Marshal for a term of imprisonment until such time as Plaintiff  
16 signs the agreement.

17 Plaintiff shall file a declaration by March 26, 2015. If a responsive declaration is filed, the  
18 Court shall either issue an order based on the declaration or conduct a hearing on April 9, 2015 at  
19 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California.

20 **IT IS SO ORDERED.**

21  
22 Dated: March 13, 2015

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25 MARIA-ELENA JAMES  
26 United States Magistrate Judge  
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