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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND  
IMPROVEMENTS LOCATED AT 2366  
SAN PABLO AVENUE, BERKELEY,  
CALIFORNIA,

Defendant.

Case No. 13-cv-02027-JST

**ORDER TO SHOW CAUSE AND  
SCHEDULING ORDER**

Civil Local Rule 3-16 (a) requires that parties other than governmental entities file certificates of interested entities or persons “[s]o that Judges of this Court may evaluate any need for disqualification or recusal.” Subsection (b) provides that “[u]pon making a first appearance in any proceeding in this Court, a party must file” such a certificate. Civil L.R. 3-16(b) (emphasis added). “The Certification must disclose any persons, associations of persons, firms, partnerships, corporations (including parent corporations), or other entities other than the parties themselves known by the party to have either: (i) a financial interest (of any kind) in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.” *Id.* 3-16(b)(1) (citing 28 U.S.C. § 455(d). “If a party has no disclosure to make pursuant to subparagraph (b)(1), that party must make a certification stating that no such interest is known other than that of the named parties to the action.” Civil L.R. 3-16(b)(3). The purpose of the rule is to enable “Judges of this Court [to] evaluate any need for disqualification or recusal early in the course of any case.” Civil L.R. 3-16(a); see also *In re Cement Antitrust Litig.* (MDL No. 296), 688 F.2d 1297, 1313 (9th Cir. 1982) (the purpose of the recusal and disqualification rules is “to promote public confidence in the

United States District Court  
Northern District of California

1 impartiality of the judiciary”),aff’d sub nom. Arizona v. U.S. Dist. Court for Dist. of Arizona, 459  
2 U.S. 1191, 103 S. Ct. 1173, 75 L. Ed. 2d 425 (1983) and supplemented sub nom. State of Ariz. v.  
3 U.S. Dist. Court for Dist. of Ariz., 709 F.2d 521 (9th Cir. 1983).

4 Claimant Berkely Patients Group, Inc. (“BPG”) filed a claim asserting an interest in the  
5 Defendant property and contesting forfeiture on June 4, 2013. ECF No. 12. To date, BPG has not  
6 filed a certificate of interested entities or persons.

7 When a party violates local rules or a court order, courts may impose a number of different  
8 sanctions. For example, the Ninth Circuit has “repeatedly upheld the imposition of the sanction of  
9 dismissal for failure to comply with pretrial procedures mandated by local rules and court orders.”  
10 Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)(citing cases).

11 In addition, Federal Rule of Civil Procedure 16(f)(1) “expressly provides for imposing  
12 sanctions on disobedient or recalcitrant parties, their attorneys, or both.” Adv. Cttee. Notes, 1983  
13 Amendments, Fed. R. Civ. P. 16(f). Such sanctions may be imposed sua sponte or upon motion, if  
14 a party or its attorney fails to comply with a pretrial order. Civil Local Rule 1-4 provides: “Failure  
15 by counsel or a party to comply with any duly promulgated local rule or any Federal Rule may be  
16 a ground for imposition of any authorized sanction.”

17 Violation of a local rule, as BPG has done here, constitutes violation of a pretrial order  
18 subject to the sanctions discussed above, particularly where there is “a close connection between  
19 the sanctionable conduct and the need to preserve the integrity of the court docket or the sanctity  
20 of the federal rules.” Zambrano v. City of Tustin, 885 F.2d 1473, 1480 (9th Cir. 1989) (citing  
21 Frazier v. Heebe, 482 U.S. 641 (1987)).

22 For all the foregoing reasons, BPG is hereby ORDERED to file by September 5, 2103 a  
23 Certificate of Interested Entities that complies with Rule 3-16. If it does not comply with this  
24 order, then BPG is ORDERED TO SHOW CAUSE in writing by September 6, 2013 why the  
25 Court should not impose sanctions against it, including monetary sanctions, dismissal, or any other  
26 authorized sanction as set forth above.

27 Any party wishing to provide additional authority to the Court regarding BPG’s response  
28 to the Order to Show Cause may do so by September 19, 2013. BPG may file a reply in support of

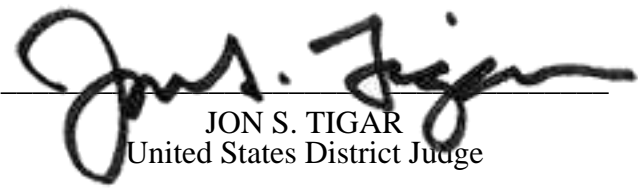
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its response to this Order by October 3, 2013. The Court will hold a hearing on this Order to Show Cause on October 29, 2013, at 9:30 p.m. in Courtroom 9, 19th Floor, 450 Golden Gate Ave., San Francisco, California.

The Court will also conduct a case management conference concurrently with the hearing on October 29, 2013, at 9:30 a.m. All parties are ordered to appear at that time.

**IT IS SO ORDERED.**

Dated: August 22, 2013

  
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JON S. TIGAR  
United States District Judge