

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALIK LEE,
Plaintiff,
v.
CALIFORNIA PUBLIC UTILITIES
COMMISSION,
Defendant.

Case No.16-cv-00983-VC (JSC)

**ORDER RE: DEFENDANT’S THIRD
MOTION FOR SANCTIONS**

Re: Dkt. No. 157

Plaintiff Alik Yusef Lee filed this Title VII employment discrimination action against his former employer, the California Public Utilities Commission. On June 6, 2017, the district court granted Defendant’s motion for summary judgment and issued judgment in its favor. (Dkt. Nos. 169 & 170.) Defendant’s third motion for sanctions remains pending before the Court. (Dkt. No. 157.) Defendant contends that sanctions are warranted under Federal Rule of Civil Procedure 37(b)(2)(A) based on Plaintiff’s failure to comply with the Court’s February 10, 2017 discovery order in three ways: (1) failing to provide responsive documents, (2) failing to pay previously ordered sanctions, and (3) continuing to use Jose Ruiz, his self-titled “communications proxy,” who is not an attorney, to communicate with counsel. Defendant seeks an order precluding Plaintiff from presenting evidence of his alleged lost wages at trial and awarding Defendant its attorneys’ fees for preparing the motion for sanctions in the amount of \$1,320.00.

Given the district court’s grant of summary judgment in Defendant’s favor, the request for evidence preclusion sanctions is moot; however, the request for monetary sanctions is not.

1 Plaintiff was previously ordered to pay \$500 in sanctions under Federal Rule of Civil Procedure
2 37(a)(5)(A) based on his flagrant disregard of the discovery rules. (Dkt. No. 140.) Plaintiff has
3 failed to pay those court ordered sanctions and continued to disregard this Court's orders to
4 provide Defendant with discovery. Plaintiff does not deny that he failed to provide the discovery
5 ordered by the Court or pay the Court ordered sanction. (Dkt. No. 160.)

6 Given Plaintiff's continued failure to comply with his discovery obligations and this
7 Court's orders, Defendant's motion for sanctions is GRANTED IN PART. Plaintiff is ordered to
8 pay Defendant \$1,320 for its reasonable expenses incurred in filing yet another motion for
9 sanctions. Plaintiff shall remit this amount and the previously ordered \$500 in sanctions (if not
10 already paid) to Defendant within 30 days of this Order.

11 This Order terminates Docket No. 157.

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13 **IT IS SO ORDERED.**

14 Dated: June 12, 2017

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17 JACQUELINE SCOTT CORLEY
18 United States Magistrate Judge

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