

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28UNITED STATES DISTRICT COURT  
For the Northern District of California

## UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

I.E.I COMPANY, *et al.*,

No. C 09-05079 PJH (LB)

Plaintiffs,

v.

**ORDER CONTINUING JANUARY 20,  
2011 HEARING AND SETTING  
BRIEFING SCHEDULE**ADVANCE CULTURAL EDUCATION, *et  
al.*,Defendants.  

---

On December 9, 2010, this court issued an order finding that Defendants had violated Federal Rules of Civil Procedure 33 and 34 and the court's prior discovery orders by not responding to Plaintiffs' interrogatories and document requests. 12/09/10 Order, ECF No. 101 at 4. At the December 9, 2010 discovery hearing, Plaintiffs indicated that they intended to file a motion for sanctions. As a result, the court's December 9 order established the following briefing schedule for Plaintiffs' motion:

|                  |                   |
|------------------|-------------------|
| Motion due date: | December 16, 2010 |
|------------------|-------------------|

|                      |                   |
|----------------------|-------------------|
| Opposition due date: | December 30, 2010 |
|----------------------|-------------------|

|                          |                 |
|--------------------------|-----------------|
| Optional reply due date: | January 6, 2011 |
|--------------------------|-----------------|

|               |                           |
|---------------|---------------------------|
| Hearing date: | January 20, 2011, 11 a.m. |
|---------------|---------------------------|

*See id.* at 5.

Plaintiffs filed a motion for sanctions on December 16, 2010. Motion, ECF No. 103. In their

1 motion, Plaintiffs ask the court to impose case dispositive sanctions, among other things, as a  
2 consequence of Defendants' failure to cooperate in discovery. *Id.* at 16-22. At the November 18 and  
3 December 9, 2010 discovery hearings and in the court's November 19 and December 9, 2010 orders,  
4 the court informed Defendants that failure to comply with discovery orders could result in sanctions  
5 including case dispositive sanctions. *See* 11/18/10 Tr., ECF No. 99 at 36:23 – 37:5; 12/9/10 Tr.,  
6 ECF No. 106 at 11:6 – 12:5; 11/19/10 Order, ECF No. 96 at 5; 12/9/10 Order, ECF No. 101 at 5.

7 On December 29, 2010, the district court granted defense counsel's motion to withdraw from the  
8 case as counsel of record for Defendants. 12/29/10 Order, ECF No. 107 at 1. Because one of the  
9 defendants is a corporation that may not appear in the case without counsel, the district court ordered  
10 Defendants to provide notice of substitution of counsel no later than February 4, 2011. *Id.*

11 In light of the gravity of the sanctions requested by Plaintiffs in this case, the court **HEREBY**  
12 **CONTINUES** oral argument on Plaintiffs' motion for sanctions and extends the corresponding  
13 briefing schedule to provide Defendants with sufficient opportunity to acquire new counsel and to  
14 file an opposition to the motion. The court sets the following schedule:

15 Opposition due date: February 17, 2011  
16 Optional reply due date: February 24, 2011  
17 Hearing date: March 17, 2011, 11 a.m.

18 The hearing set for January 20, 2011 is **HEREBY VACATED**. This briefing schedule will  
19 remain in effect regardless of whether Defendants obtain new counsel. The court again warns  
20 Defendants that failure to comply with the court's orders may result in sanctions that may include  
21 entry of default judgment.

22 **IT IS SO ORDERED.**

23 Dated: January 4, 2011

24   
25 \_\_\_\_\_  
26 LAUREL BEELER  
27 United States Magistrate Judge  
28