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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4
5 JASON TRABAKOOLAS and SHIELA
6 STETSON, individually and on behalf of all
7 others similarly situated,

8
9 Plaintiffs,

10
11 vs.

12
13 WATTS WATER TECHNOLOGIES, INC., et
14 al.,

15
16 Defendants.

Case No.: 12-cv-01172-YGR

**ORDER TO SHOW CAUSE REGARDING
DEFENDANTS' FAILURE TO COMPLY WITH
CIVIL LOCAL RULE 7-2 AND THIS COURT'S
STANDING ORDER IN CIVIL CASES**

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18 TO DEFENDANTS WATTS REGULATOR CO., WATTS WATER TECHNOLOGIES, INC., and
19 WOLVERINE BRASS, INC. AND THEIR COUNSEL OF RECORD:

20
21 The above-named Defendants' counsel Lindsay Carlson is hereby **ORDERED TO SHOW CAUSE**
22 why she should not be sanctioned for failing to comply with Civil Local Rule 7-2 ("Civ. L.R. 7-2")
23 regarding noticing hearing dates and this Court's Standing Order in Civil Cases ("Standing Order")
24 reflecting the same.

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26 Civ. L.R. 7-2 states that: "Except as otherwise ordered or permitted by the assigned Judge or
27 these Local Rules, and except for motions made during the course of a trial or hearing, all motions
28 must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing
not less than 35 days after service of the motion." Further, the Court's Standing Order states at
Section 3 regarding Changes to Court Calendar: "No changes to the Court's schedule shall be made
except by signed order of the Court and only upon a showing of good cause. Parties seeking to
continue hearings, request special status conferences, modify briefing schedules, or make any other
procedural changes shall submit a signed stipulation and proposed order, or, if stipulation is not
possible, a Motion for Administrative Relief, as contemplated by Civil Local Rule 7-11."

1 Defendants filed a motion to dismiss on April 25, 2012. (Dkt. No. 37.) Thirty-five days from
2 that date would be May 30, 2012. Under the Court's Standing Order, civil law and motion is
3 scheduled for Tuesdays at 2:00 p.m. As such, the earliest date upon which Defendants may have
4 noticed a hearing on their motion to dismiss is June 5, 2012. Defendants have violated both the Local
5 Rules and this Court's Standing Order by significantly shortening the 35 day period. The Local Rules
6 clearly provide the Court with fourteen (14) days to consider parties' briefs before hearing a motion.
7 *See* Civ. L.R. 7-3 (requiring, in addition to the 35 day notice period, that an opposition be filed and
8 served not more than fourteen (14) days after the motion, and the reply not more than seven (7) days
9 after the opposition). Here, Defendants have attempted to provide the Court with a mere six (6) day
10 period to prepare for the motion.¹

11 A hearing on this Order to Show Cause shall be held on Friday, May 4, 2012, on the Court's
12 9:01 a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in a courtroom
13 to be designated. Defendants' counsel must file a written response to this Order to Show Cause no
14 later than April 30, 2012 explaining why she would presume that Defendants' motion should be heard
15 in advance of others who had properly noticed motions on a 35-day track. Defendants' counsel
16 should also certify that she has rectified the errors by re-noticing the hearing date and changing the
17 response deadlines in ECF, and that she has personally read the Court's Standing Order in Civil
18 Cases. Defendants' counsel must appear personally at the hearing.

19 If the Court is satisfied with Defendants' counsel's response, it will consider taking the Order
20 to Show Cause hearing off calendar.

21 **IT IS SO ORDERED.**

22 Dated: April 26, 2012

23 
24 YVONNE GONZALEZ ROGERS
25 UNITED STATES DISTRICT COURT JUDGE

26
27 ¹ Defendants were on further notice that shortening the Court's time is improper based on other portions of
28 Section 3 in the Standing Order, which state that "[b]riefing schedules may not be changed by stipulation" and
that "[p]arties are advised that requests which, in effect, decrease the Court's time to consider a motion in
advance of the hearing date are denied routinely."