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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGETTE G. PURNELL,
Plaintiff,
v.
RUDOLPH AND SLETTEN INC.,
Defendant.

Case No. 18-cv-01402-PJH (KAW)

ORDER DENYING MOTION TO STAY

Re: Dkt. No. 145

On August 19, 2019, the Court granted Defendants’ request for an independent medical exam (“IME”). (Aug. 19, 2019 Ord., Dkt. No. 116.) The Court required that Plaintiff submit to an IME no later than 45 days from the date of the order, unless otherwise agreed to by the parties. (Id. at 4.)

On September 9, 2019, Plaintiff filed a request for de novo review with the presiding judge. (Dkt. No. 133.) Plaintiff also filed a request for the undersigned to stay the August 19, 2019 order until the presiding judge, Ninth Circuit, and United States Supreme Court review the decision. (Dkt. No. 132 at 2.) In support of the request, Plaintiff argues that “the order at issue flies in the face of common sense as plaintiff has consistently presented in multiple pleadings to this court on the matter of defendants’ IME, mainly attending such an examination without court appointed psyche Marcie Bastien” (Id.)

On September 13, 2019, the Court denied Plaintiff’s motion to stay, finding that: “Plaintiff has not demonstrated good cause to grant a stay. Disagreement with the Court’s order is not an adequate reason to stay the order, particularly when Plaintiff offers no legal arguments as to how the Court erred.” (Dkt. No. 134 at 1.) On September 23, 2019, the presiding judge denied Plaintiff’s request for de novo review. (Dkt. No. 140.)


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On October 7, 2019, Plaintiff filed a second request to stay the August 19, 2019 order. (Dkt. No. 145.) The request was identical to the September 9, 2019 request, except that it was dated October 2, 2019. (Id. at 3.) Plaintiff also filed another request for de novo review with the presiding judge. (Dkt. No. 144.) Like her request to stay, the request for de novo review is identical to her prior request, other than the date.

The Court DENIES Plaintiff's motion to stay. Plaintiff does not demonstrate good cause to grant a stay, particularly when the presiding judge has already denied Plaintiff's September 9, 2019 request for de novo review. Further, if Plaintiff continues to fail to comply with the August 19, 2019 order, the Court would consider granting a motion for the recommendation of terminating sanctions.

IT IS SO ORDERED.

Dated: October 16, 2019


KANDIS A. WESTMORE
United States Magistrate Judge