

1 Over the course of this protracted litigation, it has become apparent to the Court that Mr.
2 Valencia has no intention of complying in good faith with Court orders or his obligations to
3 provide post-judgment discovery to Plaintiffs. Rather, the Court believes that Mr. Valencia will do
4 everything in his power to avoid disclosure of his assets. This is clearly beyond his counsel's
5 control and the Court will not hold Mr. Adele accountable for his client's utter disregard for this
6 Court's orders. That being said, however, Mr. Adele's argument that a Rule 30(b)(6) deponent,
7 who is the sole owner and sole employee of a business, is not required to prepare for a deposition
8 was frivolous and could arguably have played a role in Mr. Valencia's failure to prepare for his
9 deposition. Therefore, the Court will impose a limited sanction upon Mr. Adele in the amount of
10 \$1,500. The Court emphasizes that this sanction is primarily the result of Mr. Adele's frivolous
11 argument because even if Mr. Adele did everything in his power to persuade his client to
12 adequately prepare for the deposition, it is not certain (or plausible to believe) that Mr. Valencia
13 would have actually done so. In that situation, Mr. Adele could not be sanctioned. Mr. Adele can
14 be sanctioned, however, for his frivolous argument. Accordingly,

15 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Enforce Sanctions Award (ECF
16 No. 527) is **granted**, in part. Michael Adele, Esq. is sanctioned in the amount of \$1,500. Mr.
17 Adele is ordered to pay Plaintiffs the \$1,500 sanction award no later than **September 18, 2017**.

18 DATED this 16th day of August, 2017.

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21 GEORGE FOLEY, JR.
22 United States Magistrate Judge
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