



1 Plaintiffs now move for sanctions, claiming Defendants' failure to submit an ISR and  
2 refusal to stipulate to Plaintiffs' Motion (#46) to extend discovery was in bad faith. A court may  
3 levy sanctions under its inherent power when a party "has acted in bad faith, vexatiously,  
4 wantonly, or for oppressive reasons." *Fink v. Gomez*, 239 F.3d 989, 989 (9th Cir.2001) (citing  
5 *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766 (1980)). "[S]anctions are available if the court  
6 specifically finds bad faith or conduct tantamount to bad faith." *Id.* at 994.

7 The Court finds Defendants have not acted in bad faith. Because this matter was stayed on  
8 on the ISR's due date, an ISR could not be filed. When the District Court lifted the stay (#39), this  
9 case returned to "the normal litigation track." No new schedule or deadline for the ISR were  
10 entered. Both Trump and Otis represent to the Court that Plaintiffs did not attempt to confer  
11 regarding a proposed ISR after the stay was lifted, and Plaintiffs themselves have not filed an ISR.

12 Furthermore, both parties' failure to file an ISR has had no prejudicial effect. The purpose  
13 of an ISR is to estimate trial length, and inform the Court whether trial will be eliminated or  
14 shortened by substantive motions. *See* LR 26-3. The Court is aware that Otis has filed a Motion  
15 for Summary Judgment (#44), and that Trump has filed a joinder to it (#45). Should summary  
16 judgment be denied in whole or in part, the parties will be required to submit proposed trial dates  
17 and estimate trial length. *See* LR 16-4, LR 26-1(e)(5). Accordingly,

18 **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Sanctions (#67) is **denied**.

19 DATED this 30th day of November, 2012.

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22 GEORGE FOLEY, JR.  
United States Magistrate Judge