

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
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ELENA MILLER,)
)
 Plaintiff(s),)
)
 vs.)
)
 NATIONWIDE MUTUAL INSURANCE)
 COMPANY, et al.,)
)
 Defendant(s).)
 _____)

Case No. 2:13-cv-01659-APG-NJK
ORDER DISCHARGING ORDER
TO SHOW CAUSE
(Docket No. 10)

Pending before the Court is an order to show cause why the parties and their attorneys should not be sanctioned in court fines for failing to comply with the Local Rules concerning conducting a Rule 26(f) conference and filing a proposed discovery plan. *See* Docket No. 10.¹ The parties have now filed a joint response, indicating that both Plaintiff’s counsel and Defendants’ counsel inadvertently failed to calendar the relevant deadlines. *See* Docket No. 14 at 2. The parties further argue that sanctions should not be imposed because they were not acting in bad faith. *See id.* at 4. As an initial matter, the Court notes that bad faith or intentional misconduct is not always required for the imposition of sanctions. *See, e.g., Martin Family Trust v. HECO/Nostalgia Enterps. Co.*, 186 F.R.D. 601, 604 (E.D. Cal. 1999) (collecting cases). Nonetheless, the Court finds that monetary sanctions

¹ The failure to comply with the Local Rules has not been an isolated occurrence in this case. *See* Docket No. 12 (denying second proposed discovery plan for failure to comply with the Local Rules).

1 should not be imposed in this matter. The Court has now pointed out that counsel's cavalier approach
2 to complying with the Local Rules was improper and the Court expects moving forward strict
3 compliance with the Local Rules, the Federal Rules of Civil Procedure, and Court orders. Failure to do
4 so may subject the parties and/or counsel to sanctions, up to and including case-dispositive sanctions.

5 IT IS SO ORDERED.

6 DATED: November 13, 2013

7 
8 _____
9 NANCY J. KOPPE
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28