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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 THERESA DUNPHY, )

6 Plaintiff, )

Case No. 2:17-cv-00050-RFB-GWF

7 vs. )

**ORDER**

8 ALASKA AIRLINES, INC., )

9 Defendant. )  
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11 Presently before the court is Defendant Alaska Airlines, Inc.'s Motion for Attorney's Fees  
12 (ECF No. 41), filed on April 3, 2017. Plaintiff Theresa Dunphy filed a response (ECF No. 43) on  
13 April 17, 2017, in which she incorporates her response (ECF No. 30) to the court's order to show  
14 cause. Defendant did not file a reply.

15 Plaintiff failed to attend the court-ordered early neutral evaluation conference ("ENE") in this  
16 case, resulting in the issuance of an order requiring Plaintiff to show cause why she should not be  
17 sanctioned for failure to comply with the court's order to appear for the ENE. (Order (ECF No. 27).)  
18 Plaintiff filed a response stating that she missed the ENE because she was "suffering from a serious  
19 flare-up of her mental health disability." (Resp. to OSC (ECF No. 30) at 2.) The response is  
20 supported by the declarations of Plaintiff's attorney and her roommate, both of whom personally  
21 observed that Plaintiff was not mentally or emotionally well. (*Id.* at Exs. 1-2.) In light of her illness,  
22 Plaintiff requests that the court decline to impose sanctions for missing the ENE.

23 In its response to the order to show cause, Defendant moves for sanctions in the amount of  
24 \$2,000.00, arguing that "Plaintiff's failure to appear at the ENE caused Alaska to waste valuable  
25 time, money, and resources that could have been used elsewhere." (Resp. to OSC (ECF Nos. 39, 41)  
26 at 2.) Defendant represents that this amount represents only a portion of the expenses incurred in  
27 preparing for and traveling to the ENE. (*Id.*)

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