

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

CIVIL MINUTES

Case No. **3:10-CV-231-BR**

Date: **September 15, 2011**

Case Title: **FLIR Systems, Inc. v. Gambaro et al**

Presiding Judge: **Anna J. Brown**

Courtroom Deputy: **Bonnie Boyer**

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DOCKET ENTRY: Order

At the Show Cause Hearing on August 19, 2011, the Court suspended the parties' discovery obligations to permit the Court to resolve Plaintiff Flir's Motion (#191) for Default Judgment and the Court's Supplemental Order (#194) to Show Cause why the Court should not sanction Defendant Gambaro for repeated violation of Court Orders. At the hearing and by Order (#198) issued on August 19, 2011, the Court permitted Gambaro to file a response to the Court's Supplemental Order (#194) to Show Cause and to Flir's Motion (#191) for Default Judgment.

On September 1, 2011, Gambaro filed his Motion (#200) for Rule 17D(3) Dismissal of Sanctions and a Declaration (#201) in support. The Court construes this Motion as a Response to the Court's Supplemental Order to Show Cause. No further briefing by the parties is permitted with respect to the Court's Order (#194).

On September 1, 2011, as permitted by the Court, Gambaro also filed his Response (#202) to Flir's Motion for Default Judgment and his Declaration (#206) in support. On September 12, 2011, Flir filed its Reply (#207) and a Declaration (#208) in support. Each of these filings were expressly permitted by the Court in its Order (#198) and at the hearing on August 19, 2011. On September 13, 2011, Gambaro filed without leave of Court a responsive pleading (#209) to Flir's Reply and his Declaration (#210) in support, which is not permitted. The Court, however, will allow Gambaro's filings and will consider them in resolving Flir's Motion for Default Judgment. No further briefing by the parties is permitted with respect to Flir's Motion (#191) for Default Judgment.

On September 1, 2011, Gambaro also filed his Motion (#203) for Flir Rule 37 Default and two supporting Declarations (#204, #205). The Court construes Gambaro's Motion as a Motion to Compel Discovery and as a Motion for Sanctions for failure to comply with applicable rules of discovery. The Court reminds the parties it has stayed the parties' discovery obligations pending the resolution of Flir's Motion for Default and the Court's Supplemental Order to Show Cause. The Court defers resolution of Gambaro's Motion (#203) pending resolution of those issues. Flir should not file a responsive pleading at this time.

cc: () All counsel

DOCUMENT NO: _____

Civil Minutes
Hon. Anna J. Brown

(Civil CaseMgt MO.wpd)

If Gambaro remains a party in this matter after the Court's resolution of the pending issues, the Court will set a schedule to resolve Gambaro's Motion (#203).

The Court takes Flir's Motion (#191) for Default Judgment and the Court's Supplemental Order (#194) to Show Cause under advisement as of September 13, 2011. The Court orders the parties not to make any additional filings until the Court has resolved these pending matters.

cc: () All counsel

DOCUMENT NO: _____

Civil Minutes
Hon. Anna J. Brown

(Civil CaseMgt MO.wpd)