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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 HARRY GALEKOVICH, et al.,

9 Plaintiffs,

10 v.

11 CITY OF VANCOUVER,

12 Defendant.

CASE NO. C11-5736 BHS

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERA-
TION, GRANTING
DEFENDANT'S MOTION FOR
SANCTIONS, AND IMPOSING
LIMITED STAY

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14 This matter comes before the Court on Defendant City of Vancouver's ("City")
15 motion for sanctions (Dkt. 115) and Plaintiff Harry Galekovich's ("Galekovich") motion
16 for reconsideration (Dkt. 117). The Court has considered the pleadings filed in support of
17 and in opposition to the motions and the remainder of the file and hereby denies the
18 motion for reconsideration, grants the motion for sanctions, and imposes a limited stay
19 pending proof of payment for the reasons stated herein.

20 **I. PROCEDURAL HISTORY**

21 On three separate occasions the Court has warned Galekovich that the continued
22 filing of frivolous motions will result in sanctions as requested by opposing counsel. *See*

1 Dkts. 70, 81, & 98. On September 12, 2012, the Court denied numerous motions as
2 frivolous. Dkt. 114. On September 14, 2012, the City filed a motion for sanctions. Dkt.
3 115. Galekovich did not respond. Instead, on September 24, 2012, Galekovich filed a
4 motion for reconsideration of the order denying his frivolous motions. Dkt. 117.

5 **II. DISCUSSION**

6 **A. Motion for Reconsideration**

7 Motions for reconsideration are governed by Local Rule CR 7(h), which provides
8 as follows:

9 Motions for reconsideration are disfavored. The court will ordinarily
10 deny such motions in the absence of a showing of manifest error in the
11 prior ruling or a showing of new facts or legal authority which could not
12 have been brought to its attention earlier with reasonable diligence.

13 Local Rule CR 7(h)(1).

14 In this case, Galekovich argues that his motion is based on manifest error. Dkt.
15 117. His arguments, however, are completely without merit. Therefore, the Court denies
16 the motion.

17 **B. Motion for Sanctions**

18 As an initial matter for this motion, Galekovich failed to respond, and the Court
19 considers the failure an admission that the City's motion has merit. Local Rule CR
20 7(b)(2).

21 With regard to the merits of the motion, a district court may impose Rule 11
22 sanctions if a paper filed with the court is for an improper purpose, or if it is frivolous.
G.C. & K.B. Invs., Inc. v. Wilson, 326 F.3d 1096, 1109 (9th Cir. 2003); citing Fed. R.

1 Civ. P. 11(b)(1)-(2); *Townsend v. Holman Consulting*, 929 F.2d 1358, 1362 (9th Cir.
2 1990). The standard governing both the “improper purpose” and “frivolous” inquiries is
3 objective. *Id.*

4 In this case, Galekovich has filed numerous motions that have been denied as
5 frivolous. The Court has also warned Galekovich multiple times that the continued filing
6 of frivolous motions may result in sanctions. Galekovich has failed to heed these
7 warnings and, from an objective standpoint, continues to file frivolous motions that
8 unnecessarily consume the Court’s and the City’s resources and interfere with the just
9 and speedy administration of justice. Therefore, the Court grants the City’s request to
10 impose sanctions.

11 With regard to the amount of sanctions, the City requests \$4,300 for 23 hours of
12 work at \$200 per hour. Dkt. 115 at 9–10. The Court finds that half that amount is
13 warranted for effective deterrence. Therefore, the Court imposes \$2,150 in sanctions
14 against Galekovich.

15 With regard to the payment of the sanctions, the Court will impose a limited stay
16 in this matter until payment is made. The Court finds that 60 days is sufficient time for
17 proof of payment. During the limited stay, filings will be accepted by the Court and
18 placed on the electronic docket, but the Clerk is directed not to note any filing for
19 consideration unless otherwise directed by the Court. If Galekovich fails to show proof
20 of payment or good cause why payment has not been made by the end of the stay, then
21 the Court may dismiss this action with prejudice.

1 Galekovich is further cautioned that even if the sanction amount is paid, his filing
2 of any further frivolous motions may warrant additional sanctions, both monetary and
3 nonmonetary, up to and including dismissal of the action with prejudice.

4 **III. ORDER**

5 Therefore, it is hereby **ORDERED** that Galekovich's motion for reconsideration
6 (Dkt. 117) is **DENIED** and the City's motion for sanctions (Dkt. 115) is **GRANTED** as
7 set forth herein. The Court imposes a limited stay until January 4, 2012. The stay may
8 be lifted only by proof of payment of the sanctions or a showing of good cause why
9 Galekovich is unable to make any payment. If payment is not made or good cause is not
10 shown, then the Court may dismiss this action.

11 During the pendency of the stay, the Clerk may accept filings but shall not note
12 any filing for consideration unless otherwise directed by the Court.

13 Dated this 14th day of November, 2012.

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BENJAMIN H. SETTLE
17 United States District Judge
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