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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 TRUDI McCULLUM,

12 Plaintiff,

13 vs.

14 D. SCOTT CARRUTHERS, d/b/a LAW  
15 OFFICES OF SCOTT CARRUTHERS, *pro*  
16 se,

16 Defendant.  
17

CASE NO. 10CV1719-LAB (RBB)

**ORDER OVERRULING  
OBJECTION TO MAGISTRATE  
JUDGE BROOKS' ORDER  
IMPOSING SANCTIONS**

18 On April 16, 2012, Magistrate Judge Ruben Brooks issued an order to show cause  
19 why Plaintiff's counsel, Ryan Lee, should not be sanctioned for failing to appear at a  
20 scheduled mandatory settlement conference. After receiving briefing and holding a hearing,  
21 Judge Brooks on July 9 ordered Lee to pay sanctions totaling \$700. Lee then filed an  
22 objection to Judge Brooks' order. A magistrate judge has authority to impose non-dispositive  
23 sanctions for violations of the magistrate judge's orders. *Grimes v. City & County of San*  
24 *Francisco*, 951 F.2d 236, 241 (9<sup>th</sup> Cir. 1991). Specifically, a magistrate judge has authority  
25 to impose such sanctions for noncompliance with an order requiring attendance at a  
26 settlement conference. *Okonkwo v. Glendale Union High School Dist.*, 2009 WL 536568 at  
27 \*2 (D.Ariz., March 4, 2009).

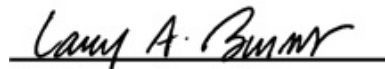
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1 In reviewing objections to a magistrate judge's order on nondispositive matters, the  
2 Court "must consider timely objections and modify or set aside any part of the order that is  
3 clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). Here, Judge Brooks was  
4 required to impose sanctions, unless the noncompliance was substantially justified, or  
5 awarding damages would be unjust. See *Okonkwo*, 2009 WL 536568 at \*2 (citing Fed. R.  
6 Civ. P. 16(f)(1)(C), 16(f)(2)).

7 Plaintiff has not shown that Judge Brooks' order was clearly erroneous or contrary to  
8 law, and his objections are therefore **OVERRULED**. Although Lee asks the Court to allow  
9 him to offset payment of sanctions against amounts he says Defendant owes him as a result  
10 of unpaid judgments, the Court concludes that doing so would not be proper. If Mr. Lee  
11 believes Defendant owes him money, the proper course of action is to enforce those  
12 judgments.

13 **IT IS SO ORDERED.**

14 DATED: July 19, 2012

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16 **HONORABLE LARRY ALAN BURNS**  
17 United States District Judge  
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