

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IO GROUP, INC., et al.,
Plaintiff,
v.
GLBT, LTD., et al.,
Defendants.

No. C-10-1282 MMC

**ORDER DENYING IN PART WITHOUT
PREJUDICE AND REFERRING IN PART
PLAINTIFFS’ MOTION FOR SANCTIONS
AGAINST DEFENDANTS’ COUNSEL
JONATHAN CAPP; VACATING
DECEMBER 9, 2011 HEARING**

Before the Court is plaintiffs’ “Motion for Sanctions against Defendants’ Counsel Jonathan Capp,” filed October 31, 2011. Having read and considered the motion, the Court rules as follows:

1. To the extent the motion seeks an order finding defendants’ counsel is jointly and severally liable for the award of sanctions previously issued by Magistrate Judge Donna Ryu, the motion is hereby DENIED without prejudice to plaintiffs’ filing, for consideration by Magistrate Judge Ryu, a motion for leave to file a motion for reconsideration. See Civil L.R. 7-9(b) (providing motion for leave to file motion for reconsideration must be based on one of three specific circumstances, one of which is “emergence of new material facts . . . occurring after the time of [the] order”).

2. To the extent the motion seeks an order finding defendants’ counsel is liable for sanctions pursuant to 28 U.S.C. § 1927, the motion is hereby REFERRED to Magistrate

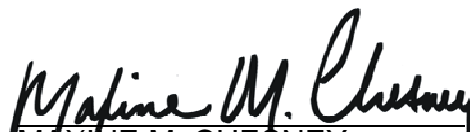
1 Judge Ryu for heard and determined pursuant to 28 U.S.C. § 636(b).

2 3. The December 9, 2011 hearing scheduled before the undersigned is VACATED.

3 **IT IS SO ORDERED.**

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Dated: November 2, 2011


MAXINE M. CHESNEY
United States District Judge