

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Scott Hargis v. Pacifica Senior Living Management LLC

Hargis v. Pacifica · No. 2:22-cv-6989-MCS-PDx · Decided March 24, 2025

SUMMARY

A magistrate judge certifies facts under 28 U.S.C. § 636(e)(6)(B)(iii) concerning Pacifica Senior Living Management LLC's alleged failure to comply with a discovery order. The court found that the defendant failed to produce certain documents by the deadline and that no knowledgeable employee or agent appeared in person at the required discovery status conference. The defendant was ordered to appear before the district judge on April 21, 2025, to show cause why it should not be held in contempt.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Patricia Donahue
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 24, 2025
DOCKET	2:22-cv-6989-MCS-PDx
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff and judgment creditor moved to hold Defendant and judgment debtor in civil contempt for failing to comply with a discovery-related court order. The magistrate judge certified facts to the assigned district judge under 28 U.S.C. § 636(e)(6)(B)(iii) and issued an order requiring Defendant to show cause why it should not be adjudged in contempt.
STANDARD OF REVIEW	A party seeking civil contempt must establish by clear and convincing evidence that the alleged contemnor violated a specific and definite court order beyond substantial compliance and without relying on a good-faith, reasonable interpretation of the order. Once that prima facie showing is made, the burden shifts to the alleged contemnor to produce evidence explaining the noncompliance.
PRECEDENTIAL VALUE	Unknown

PARTIES

Scott Hargis v. Pacifica Senior Living Management LLC

TOPICS

contempt

discovery dispute

sanctions

civil procedure

PRACTICE AREAS

civil procedure

discovery

contempt

sanctions

QUESTIONS PRESENTED

1. Whether Defendant's failure to have a knowledgeable employee or agent attend the court-ordered in-person discovery status conference violated a clear and definite order by clear and convincing evidence.
2. Whether the magistrate judge should certify the facts to the assigned district judge and require Defendant to show cause why it should not be adjudged in contempt under 28 U.S.C. § 636(e)(6)(B)(iii).

HOLDINGS

1. Plaintiff established by clear and convincing evidence that Defendant violated a clear and definite court order requiring an employee or agent with knowledge of the requested documents to attend the January 7, 2025 discovery status conference in person.
2. Under 28 U.S.C. § 636(e)(6)(B)(iii), the magistrate judge certified the facts to the assigned district judge and properly required Defendant to appear and show cause why it should not be adjudged in contempt.

KEY QUOTATIONS

“Civil contempt is appropriate only when a party fails to comply with a court order that is both specific and definite.” (at 3)

“Once that prima facie showing is made, the burden shifts to the alleged contemnor to “produce evidence explaining [her] noncompliance.”” (at 3)

“In certifying the facts under § 636(e), the magistrate judge's role is to determine whether the moving party can assert sufficient evidence to establish a prima facie case of contempt.” (at 5)

“Based on these facts, Plaintiff has shown by clear and convincing evidence that Defendant failed to comply with a clear and definite court order that an employee or agent of Defendant with knowledge of the requested documents must attend the Discovery Status Conference in person.” (at 7)

FACTUAL BACKGROUND

The Court ordered Pacifica to produce documents identified in three discovery issues by December 27, 2024 and required a knowledgeable employee or agent to attend an in-person discovery status conference if production was incomplete. Pacifica did not produce the October 2024 financial documents by the deadline and did not have a knowledgeable employee or agent attend the January 7, 2025 conference in person. Pacifica's chief financial officer had a conflicting business meeting, and the Court did not authorize remote attendance.

PROCEDURAL HISTORY

The Court previously ordered Defendant to produce specified documents and required an employee or agent with knowledge of the documents to attend an in-person discovery status conference. Defendant produced some documents late and failed to have a knowledgeable employee or agent appear personally at the January 7, 2025 conference. After Plaintiff sought contempt relief, the magistrate judge determined that the evidence established a prima facie case and certified the facts to the district judge, who was directed to conduct the contempt show-cause proceeding.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant must appear before District Judge Mark C. Scarsi on April 21, 2025, at 9:00 a.m., in Courtroom 7C of the United States Courthouse in Los Angeles, California, to show cause why it should not be adjudged in contempt.

CASES CITED

- Balla v. Idaho State Board of Corrections, 869 F.2d 461, 465 (9th Cir. 1989)
- Labor/Community Strategy Center v. Los Angeles County Metropolitan Transportation Authority, 564 F.3d 1115, 1123 (9th Cir. 2009)
- In re Dual-Deck Video Cassette Recorder Antitrust Litigation, 10 F.3d 693, 695 (9th Cir. 1993)
- United States v. Ayres, 166 F.3d 991, 994-996 (9th Cir. 1999)
- Chairs v. Burgess, 143 F.3d 1432, 1436 (11th Cir. 1998)
- Martinez v. City of Avondale, No. 12-1837, 2013 WL 5705291, at *4 (D. Ariz. Oct. 18, 2013)
- International Union v. Bagwell, 512 U.S. 821, 827, 831 (1994)
- RG Abrams Insurance v. Law Offices of C.R. Abrams, No. 2:21-cv-00194-FLA (MAAx), 2021 WL 5213103, at *4-*5 (C.D. Cal. Nov. 9, 2021)
- Proctor v. State Government of North Carolina, 830 F.2d 514, 521 (4th Cir. 1987)
- Aguilar v. City of Azusa, No. CV14-9183-GW (JPRx), 2016 WL 11755112, at *2 (C.D. Cal. Jan. 5, 2016)