

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Ana M. Hanson et al. v. Spectrum Construction Group, Inc. et al.

No. 8:22-cv-01994-FWS-MAR, United States District Court for the Central District of California (March 2, 2023)

SUMMARY

The United States District Court for the Central District of California continued the hearing on Plaintiffs’ motion for default judgment against Spectrum Construction Group, Inc. after Plaintiffs failed to appear. The court ordered Plaintiffs and their counsel to submit declarations explaining the nonappearance, appear at a show-cause hearing, serve the order on a defendant, and show cause why sanctions should not be imposed.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fred W. Slaughter
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 2, 2023
DOCKET	8:22-cv-01994-FWS-MAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for default judgment against Bisher Aljazzar and Spectrum Construction Group, Inc. The court addressed plaintiffs’ failure to appear at the scheduled hearing and continued the default-judgment hearing while ordering plaintiffs and their counsel to show cause why sanctions should not be imposed.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order

TOPICS

- default judgment
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- construction law
- commercial litigation

QUESTIONS PRESENTED

1. Whether the pending motion for default judgment should be continued after plaintiffs failed to appear at the scheduled hearing.
2. Whether plaintiffs and their counsel should be ordered to show cause why sanctions, including monetary sanctions, should not be imposed for failing to appear.

HOLDINGS

1. Because the motion for default judgment remained pending as to Spectrum Construction Group, Inc., the court continued the hearing for two weeks, until March 16, 2023, at 11:00 a.m.
2. The court ordered plaintiffs and each of their counsel to submit declarations and appear to show cause why sanctions should not be imposed for failing to appear at the scheduled hearing, warning that noncompliance with the order could result in monetary sanctions and/or dismissal.

KEY QUOTATIONS

“Based on the record, and the fact that the Motion for Default Judgment is still pending as to Defendant Spectrum Construction Group, Inc., the court CONTINUES this hearing for two weeks, until March 16, 2023, at 11:00 a.m. in Courtroom 10D.” (2)

“In addition, Plaintiffs are ORDERED TO SHOW CAUSE in writing, on or before March 9, 2023, at 12:00 p.m., why sanctions, including monetary sanctions, should not be imposed for failing to appear at the scheduled court hearing on March 2, 2023, at 10:00 a.m., in Courtroom 10D.” (2)

“Failure to adequately comply with the court’s orders described above, including compliance with orders requiring individual declarations in response to the Order to Show Cause, the orders to appear at the hearings set for March 16, 2023, or the order to serve this order on Defendant Bisher Aljazzar, may result in sanctions being imposed.” (2)

FACTUAL BACKGROUND

Plaintiffs noticed a motion for default judgment against Bisher Aljazzar and Spectrum Construction Group, Inc. for a March 2, 2023 hearing. Neither plaintiffs nor Aljazzar appeared, plaintiffs had not requested remote appearance or a continuance, and the courtroom deputy was unable to reach plaintiffs’ counsel using the telephone number listed on the docket. Aljazzar’s default had been set aside, but default remained entered against Spectrum Construction Group, Inc.

PROCEDURAL HISTORY

Plaintiffs filed a motion for default judgment on January 24, 2023. Defendant Bisher Aljazzar later moved to set aside his default, and the court granted that motion on February 24, 2023; default remained entered against Spectrum Construction Group, Inc. Neither plaintiffs nor Aljazzar appeared at the March 2, 2023 hearing, and the court continued the hearing to March 16, 2023, while issuing an order to show cause directed to plaintiffs and their counsel.

DISPOSITION

other

CASES CITED

- Fink v. Gomez, 239 F.3d 989, 991 (9th Cir. 2001)
- Wong v. Regents of the University of California, 410 F.3d 1052, 1060 (9th Cir. 2005)
- Fink v. Gomez, 239 F.3d 989, 994 (9th Cir. 2001)

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