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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**ERIC OLSON et al.,**

**Plaintiffs,**

**v.**

**KENNETH MILLIGAN,**

**Defendant.**

**MEMORANDUM DECISION AND  
ORDER**

**Case No. 2:14-CV-00935-DAK-PMW**

**District Judge Dale A. Kimball**

**Magistrate Judge Paul M. Warner**

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On October 12, 2016, the court held a noticed status conference in this matter.<sup>1</sup> In part, the status conference was intended to address claims that Plaintiffs' counsel, Scott T. Poston, had failed to comply with written discovery obligations and case deadlines and was generally unresponsive. A.J. Sano, Defendant's counsel, appeared for the status conference, but Mr. Poston did not. At that time, the court issued an order for Mr. Poston to show cause why the court should not impose sanctions and refer Mr. Poston to the district's disciplinary committee.<sup>2</sup> The court set a hearing date, sanctioned Mr. Poston for his nonappearance, and directed Mr. Sano to submit a memorandum of costs for his appearance.<sup>3</sup>

As a courtesy to the court, Magistrate Judge Brooke C. Wells conducted the show cause hearing on October 27, 2016.<sup>4</sup> Mr. Poston and Mr. Sano appeared. After hearing from both

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<sup>1</sup> See docket nos. 33 and 34.

<sup>2</sup> Docket no. 34.

<sup>3</sup> *Id.*

<sup>4</sup> Docket no. 36.

sides, Judge Wells directed Mr. Sano to submit an additional memorandum of costs for the amount incurred for appearing at the show cause hearing.<sup>5</sup> Judge Wells ordered any objection to the memorandum of costs to be filed within five days. Mr. Poston was ordered by way of sanction to pay the amount within 30 days if he did not file a timely objection.<sup>6</sup>

On October 31, 2016, Mr. Sano filed his amended memorandum of costs.<sup>7</sup> As of the date of this order, no objection has been filed. In furtherance of this court's and Judge Wells's orders, Mr. Poston is hereby **ORDERED** to pay Defendant the amount of \$752.50<sup>8</sup> on or before November 30, 2016. Failure to comply with this order will result in contempt sanctions and in referral to the disciplinary committee.

Given the background of this case, Mr. Poston is warned that further delay or missed deadlines in this matter will lead to sanctions, including terminating sanctions, and referral to the disciplinary committee.

DATED this 15th day of November, 2016.

BY THE COURT:



PAUL M. WARNER  
United States Magistrate Judge

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Docket no. 37.

<sup>8</sup> *Id.*