

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-01087-MRA-PVC Date December 16, 2025

Title *Angelica E. Cruz et al. v. United States of America*

Present: The Honorable MONICA RAMIREZ ALMADANI, UNITED STATES DISTRICT JUDGE

Priscilla Deason for

None Present

Melissa H. Kunig

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED

On November 13, 2025, Defendant United States (“Defendant”) filed a motion to exclude the testimony of Plaintiff’s expert Andrew Morris. ECF 31. The motion was set for hearing on December 15, 2025. Under Local Rule 7-9, Plaintiffs’ deadline to file an opposition to the motion was 21 days before the hearing—*i.e.*, no later than November 24, 2025. Plaintiffs’ opposition was not filed until December 1, 2025. ECF 33. Plaintiffs did not seek leave to file an untimely brief, and the opposition itself provided no explanation for the untimeliness.

Plaintiffs’ opposition cites a case *Kennedy v. United States*, 2022 WL 17684317, at *4 (C.D. Cal. Oct. 3, 2022), and includes the following parenthetical: “(billing and reimbursement expert qualified based on experience with CPT and UCR methodology).” ECF 33 at 6. Defendant’s reply and accompanying declaration indicates that Defendant was unable to find any case with that citation. The Court, having conducted an independent search, was also unable to locate that case.

On December 15, 2025, the Court held a hearing on Defendant’s Motion. ECF 37. When asked about the untimely opposition, Plaintiffs’ counsel indicated that it was filed late due to a calendaring error and that Defendant was not prejudiced by the untimely filing. Plaintiff had no excuse for not seeking leave to file an untimely brief. When the Court inquired regarding the apparently hallucinated case citation, Plaintiffs’ counsel attributed the citation to outside counsel who purportedly prepared the opposition and then avoided answering questions about the hallucinated case by saying that outside counsel has been unreachable or unavailable because he is traveling in Costa Rica. Plaintiffs’ counsel then confirmed that he signed the brief and that, notwithstanding his signature, he did not independently check the citations in the opposition. These responses are clearly unsatisfactory and unacceptable.

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Accordingly, the Court **ORDERS** Plaintiffs’ counsel to show cause in writing within three (3) days why sanctions should not be imposed under Rule 11(b) for Plaintiffs’ citation of a hallucinated case and for Plaintiffs’ failure to file a timely reply pursuant to Local Rule 7-9.

IT IS SO ORDERED.

Initials of Deputy Clerk - : -
pd/mku