

915 F.2d 1581

Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.

(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTA9 Rule 36-3 for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, Ninth Circuit.

UNITED STATES of America, Plaintiff,
Sonya Fryer, et al, Plaintiff-Intervenors,
and

Elam Lantz, Jr., Esq., David B. Hatton, Esq., Ira A.
Burnim, Esq., Leonard S. Rubenstein, Esq.,
Appellants,

v.

STATE OF OREGON, Oregon State Board of
Education, Oregon Department of Human
Resources, Joseph E. Murray, Mental Health
Division, Jerry McGee, Leo T. Hegstrom, Verne A.
Duncan, Victor Atiyeh, Defendant-Appellee.

Nos. 89-35447, 89-35587. | Argued and Submitted
Sept. 13, 1990. | Decided Oct. 2, 1990.

Appeal from the United States District Court for the
District of Oregon; Malcolm F. Marsh, District Judge,
Presiding.

D.Or.

AFFIRMED.

Before CANBY, KOZINSKI and TROTT, Circuit Judges.

Opinion

Footnotes

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir.R. 36-3.

MEMORANDUM*

*1 The appellants are attorneys who were counsel to intervenors in this action. They appeal from an order of the district court sanctioning them for violating a protective order.

A district court has inherent power to sanction attorneys who willfully abuse the judicial process or act in bad faith. *Roadway Express, Inc. v. Piper*, 447 US 752, 766 (1980); *United States v. Blodgett*, 709 F2d 608, 610 (9th Cir.1983). We review the imposition of sanctions for abuse of discretion. *National Hockey League v. Metropolitan Hockey Club, Inc.*, 427 US 639-42 (1976); *FTC v. Alaska Land Leasing, Inc.*, 799 F2d 507, 510 (9th Cir 1986).

The district court did not abuse its discretion in finding that appellants acted in bad faith and in imposing sanctions. Appellants stipulated to a protective order on June 23, 1988, which designated all expert reports, and all information contained in such reports, as confidential. CR 191, at 1. Appellants subsequently quoted extensively from an expert report in a pleading that they entered into the public record and released to the press. CR 269. That the report in question may have already been part of the public record due to an oversight did not relieve appellants of their obligations under the June 23 order. Having failed to advise the court of the situation *before* making its pleading public, appellants risked being sanctioned. The sanctions imposed by the district judge were well within his authority.

AFFIRMED.

Parallel Citations

1990 WL 142509 (C.A.9 (Or.))