

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 9 2025

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PRISCILLA HUERTA, individually and
behalf of their minor children; minor
children Does 1-7; ARTURO HUERTA,
individually and behalf of their minor
children; minor children Does 1-7,

Plaintiffs - Appellants,

v.

CITY OF PALMDALE, a municipal
corporation; COUNTY OF LOS
ANGELES, a municipal corporation; BUD
DAVIS, individual and official capacity;
SARA SHREVES, individual and official
capacity; RAPOSAS, Palmdale Officer,
individual and official capacity; DOE,
Deputy Sheriff, Doe 1 individual and
official capacity; DOES, 2-10 inclusive,

Defendants - Appellees.

No. 24-5131

D.C. No.

2:18-cv-10354-MWF-MAR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Argued and Submitted October 23, 2025
Pasadena, California

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Before: R. NELSON and VANDYKE, Circuit Judges, and COLE, District Judge.**

Appellants Priscilla Huerta, Arturo Huerta, and their minor children (the Huertas), seek review of a district court's grant of a terminating sanction in this case. The case itself stems from the City of Palmdale's closure of a Palmdale motel where the Huertas resided.¹ We have jurisdiction under 28 U.S.C. § 1291. Because the parties are familiar with the facts, we do not recite them here.

The Court reviews discovery sanctions for an abuse of discretion. *Conn. Gen. Life Ins. Co. v. New Images of Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007) (citation omitted). But because we are reviewing a terminating sanction, the permissible "range of discretion is narrowed[,] and the losing party's noncompliance must be due to willfulness, fault, or bad faith." *Payne v. Exxon Corp.*, 121 F.3d 503, 507 (9th Cir. 1997) (citation omitted).

The district court did not abuse its discretion in ordering a terminating sanction. We review terminating sanctions under a balancing test that looks to (1) the public's interest in expeditious resolution, (2) the court's need to manage its

** The Honorable Douglas Russell Cole, United States District Judge for the Southern District of Ohio, sitting by designation.

¹ This case was consolidated for purposes of oral argument with *Herrera v. City of Palmdale*, No. 24-4489 (9th Cir.), which involved claims by other parties (represented by the same counsel who represents the Huertas here) arising out of the same motel closure. The *Herrera* case is addressed simultaneously with this one but in a separate written disposition.

dockets, (3) the risk of prejudice, (4) the public policy favoring disposing of cases on their merits, and (5) the availability of less drastic sanctions. *Conn. Gen. Life Ins. Co.*, 482 F.3d at 1096.

Here, factors (1), (2), (3), and (5) favor dismissal. The Huertas' counsel had engaged in dilatory conduct throughout this litigation. That came to a head when the district court briefly reopened discovery for some targeted purposes and counsel again failed to cooperate in undertaking that limited discovery. And counsel did so after the court already had imposed less drastic measures in the form of repeated verbal warnings and monetary sanctions for earlier discovery misconduct. Counsel's conduct also evidenced willfulness, fault, or bad faith, thus making terminating sanctions appropriate.

AFFIRMED.