

2018 WL 534120  
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United States District Court, E.D. California.

UNITED STATES of America; Petitioner,  
v.

Nora BRAYSHAW, Respondent.

No. 2:14-mc-00088-MCE-KJN

|  
Signed 01/22/2018

|  
Filed 01/23/2018

### Attorneys and Law Firms

CV Bobbie J. Montoya, Kelli L. Taylor, Govt,  
United States Attorney's Office, Sacramento,  
CA, for Petitioner.

Nora Brayshaw, Reno, NV, pro se.

J. Craig Demetras, Pro Hac Vice, Law Offices  
of J. Craig Demetras, John P. Desmond, Jones  
Vargas, Reno, NV, Michael Robert Williams,  
Hefner Stark and Marois, Richard Todd Luoma,  
Law Office Of Williams & Associates, PC,  
Sacramento, CA, for Respondent.

### ORDER

MORRISON C. ENGLAND, JR., UNITED  
STATES DISTRICT JUDGE

\*1 The United States filed its Petition to  
Enforce Internal Revenue Service (“IRS”)  
Summons on June 10, 2014. That Petition  
seeks an order compelling Respondent  
Nora Brayshaw (“Brayshaw”) to appear

for deposition and produce documentation  
concerning her tax liabilities between 2002  
and 2012. By Order filed September 15,  
2014, the undersigned adopted the assigned  
Magistrate Judge’s recommendation that the  
IRS Summons be enforced.

Although this matter was technically closed  
once that enforcement was ordered, the  
government has since filed two Petitions  
for Contempt, arguing that Brayshaw has  
not cooperated on providing all relevant  
information with respect to certain Swiss  
bank accounts maintained by Brayshaw and  
her now-deceased husband. By Order dated  
October 20, 2016 (ECF No. 30), Brayshaw  
was ordered to provide an executed Consent  
Directive for purposes of obtaining the subject  
banking records. When the records were  
provided, however, counsel for the Swiss  
bank in question, UBS AG, took the position  
that to the extent additional records existed  
pertaining to another UBS entity, UBS Swiss  
Financial Advisers (“UBS SFA”), a new  
Consent Directive would need to be executed  
authorizing the procurement of records from  
UBS SFA. When Brayshaw refused to provide  
that authorization, the government filed another  
Petition for Contempt of Court on March 9,  
2017. ECF No. 35. On June 1, 2017, following  
a hearing on the Petition, the Court ordered  
Brayshaw to provide the additional Consent  
Directive.

Although Brayshaw has been represented by  
counsel J. Craig Demetras in pro hac vice since  
April 19, 2017,<sup>1</sup> and although Mr. Demetras  
appeared on Brayshaw’s behalf at the time  
of the June 1, 2017 petition. On June 8,  
2017, Brayshaw ostensibly filed a Request for

Reconsideration of Order to Show Cause as to the Court's June 1, 2017 Order purporting to represent herself in pro se. That Request is now before the Court for adjudication.

Since Brayshaw was represented by counsel at the time she attempted to file her reconsideration request, the request is procedurally improper on that ground alone. As a represented party, Brayshaw cannot file her own documents with the Court. [Federal Rule of Civil Procedure 11\(a\)](#) makes it clear that any written motion or other paper must either be signed by at least one attorney of record in the attorney's name or, if the party is unrepresented, by the party personally. Brayshaw cannot both be represented and file her own motions. Her request for reconsideration must be stricken on that basis and is denied accordingly.

Even if Brayshaw's request was procedurally proper, however, it would still fail on its merits.

Under [Eastern District Local Rule 230\(j\)](#), an application for reconsideration must show what new or different facts are claimed to exist at the time of reconsideration which did not exist beforehand, or what other grounds exist for the Motion. Brayshaw's instant request fails to meet that standard. She provides absolutely no new or different facts or circumstances indicating that reconsideration is appropriate. Instead, Brayshaw does no more than rehash the same issues that have already been decided against her.

**\*2** For all of the reasons, Respondent Nora Brayshaw's Request for Reconsideration (ECF No. 65) is DENIE

IT IS SO ORDERED.

#### All Citations

Not Reported in Fed. Supp., 2018 WL 534120

#### Footnotes

- 1** The pro hac vice application designated Michael Robert Williams from the Sacramento law firm of Hefner, Stark and Marois as local counsel since Mr. Demetras' offices are located in Reno, Nevada.