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3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

5 **STARSHENE COATES AND PROJECT**  
6 **SENTINEL, INC.,**

7 **Plaintiffs,**

8 **v.**

9 **ANIL SINGH AND ROSELYN SINGH,**

10 **Defendants.**

**1:14-cv-1910-LJO-SKO**

**MEMORANDUM DECISION AND  
ORDER RE DEFENDANTS' MOTION  
FOR JUDGMENT ON THE  
PLEADINGS OR, IN THE  
ALTERNATIVE, FOR SUMMARY  
JUDGMENT (Doc. 35)**

11  
12 **I. PRELIMINARY STATEMENT TO PARTIES AND COUNSEL**

13 Judges in the Eastern District of California carry the heaviest caseloads in the nation, and this  
14 Court is unable to devote inordinate time and resources to individual cases and matters. Given the  
15 shortage of district judges and staff, this Court addresses only the arguments, evidence, and matters  
16 necessary to reach the decision in this order. The parties and counsel are encouraged to contact the  
17 offices of United States Senators Feinstein and Boxer to address this Court's inability to accommodate  
18 the parties and this action. The parties are required to reconsider consent to conduct all further  
19 proceedings before a Magistrate Judge, whose schedules are far more realistic and accommodating to  
20 parties than that of U.S. District Judge Lawrence J. O'Neill, who must prioritize criminal and older civil  
21 cases.

22 Civil trials set before Judge O'Neill trail until he becomes available and are subject to suspension  
23 mid-trial to accommodate criminal matters. Civil trials are no longer reset to a later date if Judge O'Neill  
24 is unavailable on the original date set for trial. Moreover, this Court's Fresno Division randomly and  
25 without advance notice reassigns civil actions to U.S. District Judges throughout the nation to serve as

1 visiting judges. In the absence of Magistrate Judge consent, this action is subject to reassignment to a  
2 U.S. District Judge from inside or outside the Eastern District of California.

### 3 **II. INTRODUCTION**

4 Plaintiff Starshene Coates (“Plaintiff<sup>1</sup>”) rented a property from Defendant Roselyn Singh (“Mrs.  
5 Singh”), who owns the property. Mrs. Singh brought a successful unlawful detainer suit against Plaintiff.  
6 Plaintiff brought this case against Mrs. Singh and her husband, Defendant Anil Singh (“Mr. Singh”)  
7 (collectively, “Defendants”), alleging various housing and civil rights violations under federal and state  
8 law. Defendants move for judgment on the pleadings or, in the alternative, for summary judgment on the  
9 ground that Plaintiff’s suit is barred by Mrs. Singh’s unlawful detainer suit under the doctrines of res  
10 judicata and collateral estoppel.

11 The Court took the matter under submission on the papers. Doc. 44. For the following reasons,  
12 the Court GRANTS IN PART and DENIES IN PART Defendants’ motion.

### 13 **III. FACTUAL AND PROCEDURAL BACKGROUND**<sup>2</sup>

14 In late November 2013, Plaintiff contacted Mr. Singh regarding a unit for rent. Doc. 1,  
15 Complaint (“Compl.”), at ¶¶ 13-14. Mr. Singh showed Plaintiff the property and she immediately signed  
16 a rental agreement, which listed Mrs. Singh as the unit’s owner and landlord. *Id.* at ¶¶ 15, 19. Plaintiff  
17 moved into the unit on December 4, 2013. *Id.* at ¶ 21.

18 In February 2014, Mr. Singh asked Plaintiff to join him at his house in Monterey County. *Id.* at ¶  
19 23. This made Plaintiff feel “very uncomfortable,” so she told him she was “not interested.” *Id.* In  
20 March, Mr. Singh called Plaintiff and asked her to come help him jump-start his car, which was at a  
21 hotel. *Id.* at ¶ 24. When she arrived with her son and her son’s father, Mark Naylor (“Mr. Naylor”), Mr.  
22 Singh “seemed surprised” and no longer needed a jump-start. *Id.* at ¶ 25.

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24 <sup>1</sup> The Court recognizes that Project Sentinel joins Plaintiff in bringing this suit. For purposes of this motion, however, the  
Court need only to refer to Plaintiff Coates.

25 <sup>2</sup> The Court discusses only the aspects of the record that are necessary to rule on Defendants’ motion.

1           The next day, Plaintiff asked Mr. Singh to bring over a ladder. *Id.* at ¶ 26. He did so, and while  
2 there, he “slapped [Plaintiff] on her bottom,” said something to the effect of “don’t worry about [Mr.  
3 Naylor],” and “then grabbed [Plaintiff] and tried to pull her close to him, acting as if he wanted to hug  
4 and kiss her.” *Id.* at ¶ 27. Plaintiff pulled away and asked Mr. Singh to leave, which he did. *Id.* at ¶ 27.

5           Later that day, Plaintiff called the Ceres Police Department to report that Mr. Singh “had touched  
6 her inappropriately.” *Id.* at ¶ 28. The police department told Plaintiff they would send an officer to take a  
7 report; however, no officer came. *Id.* A couple of days later, Plaintiff again called the Ceres Police  
8 Department to report the incident. *Id.* at ¶ 29. An officer came to meet with Plaintiff, who told the  
9 officer about the incident with Mr. Singh. *Id.*

10           In mid-April, Plaintiff saw Mrs. Singh. *Id.* at ¶ 30. Plaintiff told Mrs. Singh that “Mr. Singh had  
11 touched her inappropriately, and that she had filed a police report,” which Mrs. Singh requested to see.  
12 *Id.* at ¶ 31.

13           In September, Plaintiff received a three-day notice to pay rent or quit from Mrs. Singh. *Id.* at ¶  
14 33. She also received a 30-day notice to quit the premises that did not cite any reason for the termination  
15 of her tenancy. *Id.* at ¶ 33. At the time, Plaintiff did not owe Mrs. Singh any money. *Id.* at ¶ 34.

16           In early September, Plaintiff contacted Plaintiff Project Sentinel, a “fair housing agency,”  
17 seeking help for her problems with the Singhs. In late September, Plaintiff filed for a restraining order  
18 against the Singhs. *Id.* at ¶¶ 37, 39; *see also* Doc. 37-4 at 172, 181. On October 8, 2014, counsel for  
19 Plaintiff sent a letter to the Singhs concerning their investigation of Plaintiff’s claims of sexual  
20 harassment and housing discrimination against the Singhs. Doc. 37-4 at 169.

21           On October 15, 2014, Mrs. Singh filed an unlawful detainer action against Plaintiff. A couple of  
22 weeks later, Plaintiff was granted a restraining order against Mr. Singh only. *Id.* at ¶ 37; *see also* Doc.  
23 37-4 at 193.

24           Mrs. Singh’s unlawful detainer action contains a single cause of action for unlawful detainer  
25 under California Code of Civil Procedure § 1161a. *See* Doc. 37-4 at 250-52. In response, Plaintiff filed a

1 standardized answer form to the complaint, which provides a list of ten affirmative defenses. *See id.* at  
2 154. Plaintiff checked the box next to three: (1) “Plaintiff [*i.e.*, Mrs. Singh] waived, changed, or  
3 canceled the notice to quit”; (2) “Plaintiff served defendant [*i.e.*, Coates] with the notice to quit or filed  
4 with complaint to retaliate against defendant”; and (3) “By serving defendant with the notice to quit or  
5 filing the complaint, plaintiff is arbitrarily discriminating against defendant in violation of the  
6 Constitution or the laws of the United States or California.” *Id.* Plaintiff explained her belief that Mrs.  
7 Singh filed the unlawful detainer action to retaliate against her for (1) seeking legal counsel for Mr.  
8 Singh’s perceived sexual harassment; (2) seeking a restraining order against the Singhs; and (3) making  
9 habitability complaints to Pacific Gas & Electric (“PG&E”) and Ceres Code Enforcement. *Id.* at 156.

10 As to her first affirmative defense, Plaintiff described the incident with Mr. Singh when he  
11 touched Plaintiff’s buttocks and attempted to hug and kiss her. *Id.* Plaintiff stated that she told Mrs.  
12 Singh about the incident, who allegedly began harassing Plaintiff, leading Plaintiff to seek a restraining  
13 order against her. *Id.* Plaintiff asserted that she believed that Mrs. Singh served the three- and 30-day  
14 notices on Plaintiff to harass her and to retaliate against her and that, after learning that Plaintiff had  
15 sought legal counsel, Mrs. Singh filed the unlawful detainer action to further retaliate against her. *Id.* at  
16 164. In support of her second affirmative defense, Plaintiff asserted that Mrs. Singh filed the unlawful  
17 detainer action to retaliate against Plaintiff for filing the restraining order. *Id.* Plaintiff’s third affirmative  
18 defense generally asserts that she report several “habitability issues” to Mrs. Singh, and Mrs. Singh  
19 either refused to correct them or refused to reimburse Plaintiff for doing so herself. *Id.* at 203. Plaintiff  
20 reported some of the issues to Ceres Code Enforcement. *Id.* Plaintiff claims that Mrs. Singh filed the  
21 unlawful detainer action against Plaintiff in retaliation for Plaintiff’s complaints about the habitability  
22 issues. *Id.*

23 The state court held a bench trial on the case. *See id.* at 62. At trial, Plaintiff, appearing *pro se*,  
24 “presented evidence of claimed sexual harassment by [Mrs. Singh’s] husband in March 2014.” *Id.*  
25 Among other things, the court found that Plaintiff “did not meet her burden of proof with respect to her

1 affirmative defenses.” *Id.* at 63. The court further found in favor of Mrs. Singh, and ordered termination  
2 of Plaintiff’s tenancy and that she pay damages. *Id.*

3 While Mrs. Singh’s unlawful detainer action was pending, Plaintiff filed this suit. *See* Doc. 1.  
4 Plaintiff alleges ten causes of action against the Singhs for violation of:

- 5 1. the Fair Housing Act, 42 U.S.C. §§ 3601 et seq.;
- 6 2. the Fair Employment and Housing Act, Cal. Gov’t Code §§ 12927, 12955, et seq.;
- 7 3. the Unruh Civil Rights Act, Cal. Civ. Code §§ 51-52;
- 8 4. the Bane Act, Cal. Civ. Code § 52.1;
- 9 5. the Ralph Act, Cal. Civ. Code § 51.7;
6. California Civil Code § 51.9;
7. California Civil Code § 1714 (negligence);
8. the covenant of quiet use and enjoyment, California Civil Code §§ 1927 and 1940.2;
9. California Civil Code §§ 1159-60 (wrongful eviction); and
10. her right to privacy (Cal. Civ. Code §§ 43, 1708, 3333; Cal. Const., Art. I, § 1).

10 Compl. at 9-12.

11 Defendants move for judgment on the pleadings, arguing that all of Plaintiff’s claims are barred  
12 by the state court’s judgment in Mrs. Singh’s unlawful detainer action, either by the doctrine of res  
13 judicata or collateral estoppel. *See* Doc. 36 at 6. Defendants alternatively move for summary judgment  
14 on the claims on the same grounds. *See id.* Plaintiff asserts she is not precluded from bringing any of her  
15 claims for a number of reasons, including that the unlawful detainer action does not have preclusive  
16 effect here because the causes of action at issue in the unlawful detainer action and in this case are not  
17 the same. *See* Doc. 41 at 19.

#### 18 **IV. STANDARD OF DECISION**

##### 19 **A. Judgment on the Pleadings.**

20 Federal Rule of Civil Procedure 12(c) permits a party to seek judgment on the pleadings “[a]fter  
21 the pleadings are closed—but early enough not to delay trial.” “A motion for judgment on the pleadings  
22 should be granted where it appears the moving party is entitled to judgment as a matter of law.” *Geraci*  
23 *v. Homestreet Bank*, 347 F.3d 749, 751 (9th Cir. 2003). A “judgment on the pleadings is appropriate  
24 when, even if all allegations in the complaint are true, the moving party is entitled to judgment as a  
25 matter of law.” *Westlands Water Dist. v. Firebaugh Canal*, 10 F.3d 667, 670 (9th Cir.1993).

1           “A judgment on the pleadings is a decision on the merits.” *3550 Stevens Creek Assocs. v.*  
2 *Barclays Bank of California*, 915 F.2d 1355, 1356 (9th Cir.1990). A Fed. R. Civ. P. 12(c) motion “is  
3 designed to dispose of cases where the material facts are not in dispute and a judgment on the merits can  
4 be rendered by looking to the substance of the pleadings and any judicially noticed facts.” *Herbert*  
5 *Abstract Co. v. Touchstone Props., Ltd.*, 914 F.2d 74, 76 (5th Cir. 1990) (per curiam). “[T]he central  
6 issue is whether, in light most favorable to the plaintiff, the complaint states a valid claim for relief.”  
7 *Hughes v. Tobacco Inst., Inc.*, 278 F.3d 417,420 (5th Cir.2001). “[A]ll allegations of fact of the  
8 opposing party are accepted as true.” *Austad v. United States*, 386 F.2d 147, 149 (9th Cir.1967). Thus, a  
9 motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) is “functionally  
10 identical” to a motion to dismiss under Rule 12(b)(6). *Dworkin v. Hustler Magazine, Inc.*, 867 F.2d  
11 1188, 1192 (9th Cir. 1989).

12           Like a Rule 12(b)(6) motion to dismiss, a Rule 12(c) motion challenges the legal sufficiency of  
13 an opposing party’s pleadings. “When a federal court reviews the sufficiency of a complaint, before the  
14 reception of any evidence either by affidavit or admissions, its task is necessarily a limited one.”  
15 *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1990). Dismissal is proper where there is  
16 either a “lack of a cognizable legal theory” or “the absence of sufficient facts alleged under a cognizable  
17 legal theory.” *Id.* “Factual allegations must be enough to raise a right to relief above the speculative  
18 level . . . on the assumption that all the allegations in the complaint are true (even if doubtful in fact).”  
19 *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545 (2007) (internal citations and quotations omitted). “While  
20 a complaint . . . does not need detailed factual allegations . . . a plaintiff’s obligation to provide the  
21 ‘grounds’ of his ‘entitlement to relief’ requires more than labels and conclusions, and a formulaic  
22 recitations of the elements of a cause of action will not do.” *Id.* at 1964.

## 23 **B. Summary Judgment.**

24           Summary judgment is appropriate when the pleadings, disclosure materials, discovery, and any  
25 affidavits provided establish that “there is no genuine dispute as to any material fact and the movant is  
entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). A material fact is one that may affect the  
outcome of the case under the applicable law. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248  
(1986). A dispute is genuine “if the evidence is such that a reasonable trier of fact could return a verdict

1 in favor of the nonmoving party.” *Id.*

2 The party seeking summary judgment “always bears the initial responsibility of informing the  
3 district court of the basis for its motion, and identifying those portions of the pleadings, depositions,  
4 answers to interrogatories, and admissions on file, together with the affidavits, if any, which it believes  
5 demonstrate the absence of a genuine issue of material fact.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 323  
6 (1986) (internal quotation marks omitted). The exact nature of this responsibility, however, varies  
7 depending on whether the issue on which summary judgment is sought is one in which the movant or the  
8 nonmoving party carries the ultimate burden of proof. *See Soremekun v. Thrifty Payless, Inc.*, 509 F.3d  
9 978, 984 (9th Cir. 2007); *Cecala v. Newman*, 532 F. Supp. 2d 1118, 1132 (D. Ariz. 2007). If the movant  
10 will have the burden of proof at trial, it must demonstrate, with affirmative evidence, that “no reasonable  
11 trier of fact could find other than for the moving party.” *Soremekun*, 509 F.3d at 984. In contrast, if the  
12 nonmoving party will have the burden of proof at trial, “the movant can prevail merely by pointing out  
13 that there is an absence of evidence to support the nonmoving party’s case.” *Id.* (citing *Celotex*, 477 U.S.  
14 at 323).

15 If the movant satisfies its initial burden, the nonmoving party must go beyond the allegations in  
16 its pleadings to “show a genuine issue of material fact by presenting *affirmative evidence* from which a  
17 jury could find in [its] favor.” *FTC v. Stefanchik*, 559 F.3d 924, 929 (9th Cir. 2009) (emphasis in  
18 original). “[B]ald assertions or a mere scintilla of evidence” will not suffice in this regard. *Id.* at 929; *see*  
19 *also Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986) (“When the  
20 moving party has carried its burden under Rule 56(c), its opponent must do more than simply show that  
21 there is some metaphysical doubt as to the material facts.”) (citation omitted). “Where the record as a  
22 whole could not lead a rational trier of fact to find for the nonmoving party, there is no ‘genuine issue  
23 for trial.’” *Matsushita*, 475 U.S. at 587 (quoting *First Nat’l Bank of Arizona v. Cities Serv. Co.*, 391 U.S.  
24 253, 289 (1968)).

25 In resolving a summary judgment motion, “the court does not make credibility determinations or

1 weigh conflicting evidence.” *Soremekun*, 509 F.3d at 984. That remains the province of the jury or fact  
2 finder. *See Anderson*, 477 U.S. at 255. Instead, “[t]he evidence of the [nonmoving party] is to be  
3 believed, and all justifiable inferences are to be drawn in [its] favor.” *Id.* Inferences, however, are not  
4 drawn out of the air; the nonmoving party must produce a factual predicate from which the inference  
5 may reasonably be drawn. *See Richards v. Nielsen Freight Lines*, 602 F. Supp. 1224, 1244-45 (E.D. Cal.  
6 1985), *aff’d*, 810 F.2d 898 (9th Cir. 1987).

## 7 **V. ANALYSIS**

### 8 **A. Res Judicata and Collateral Estoppel.**

9 The state court’s judgment in the unlawful detain action is entitled to “full faith and credit,” *see* 28  
10 U.S.C. § 1728, which requires this Court to give it the same preclusive effect it would have in another  
11 California state court. The Court applies California law to determine whether that judgment precludes  
12 Plaintiff’s claims. *See Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 380 (1985);  
13 *Diruzza v. Cnty. of Tehama*, 323 F.3d 1147, 1152 (9th Cir. 2003).

14 *Res judicata* “precludes parties or their privies from relitigating a cause of action that has been  
15 finally determined by a court of competent jurisdiction.” *Rice v. Crow*, 81 Cal. App. 4th 725, 734  
16 (2000). Under California law, *res judicata* applies where

17 the party to be affected, or some other with whom he is in privity, has litigated, or had an  
18 opportunity to litigate the same matter in a former action in a court of competent jurisdiction, and  
should not be permitted to litigate it again to the harassment and vexation of his opponent.

19 *Citizens for Open Access to Sand & Tide, Inc. v. Seadrift Ass’n*, 60 Cal. App. 4th 1053, 1065 (1998).

20 The elements necessary to establish *res judicata* therefore are: “(1) the decision in the prior proceeding  
21 is final and on the merits; (2) the present proceeding is on the same cause of action as the prior  
22 proceeding; and (3) the parties in the present proceeding or parties in privity with them were parties to  
23 the prior proceeding.” *Villacres v. ABM Indus., Inc.*, 189 Cal. App. 4th 562, 577 (2010).

24 Under California law, collateral estoppel, otherwise known as issue preclusion, provides “that  
25 when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot



1 again be litigated between the same parties in any future lawsuit.” *People v. Santamaria*, 8 Cal.4th 903,  
2 930 (1994). As the California Supreme Court has explained, five factors must be satisfied for collateral  
3 estoppel to apply:

4 First, the issue sought to be precluded from relitigation must be identical to that decided in a  
5 former proceeding. Second, this issue must have been actually litigated in the former proceeding.  
6 Third, it must have been necessarily decided in the former proceeding. Fourth, the decision in the  
7 former proceeding must be final and on the merits. Finally, the party against whom preclusion is  
8 sought must be the same as, or in privity with, the party to the former proceeding.

9 *Lucido v. Superior Court*, 51 Cal.3d 335, 341 (1990) (citations omitted). Further,

10 the public policies underlying collateral estoppel—preservation of the integrity of the judicial  
11 system, promotion of judicial economy, and protection of litigants from harassment by vexatious  
12 litigation—strongly influence whether its application in a particular circumstance would be fair  
13 to the parties and constitute sound judicial policy.

14 *Id.* at 343.

15 **B. Plaintiff’s Wrongful Eviction Claim Is Barred, But Her Remaining Claims Are Not.**

16 Plaintiff’s wrongful eviction claim alleges that “Defendants injured [Plaintiff] by seeking to  
17 wrongfully evict[] her from her dwelling in violation of California Code of Civil Procedure §§ 1159 and  
18 1160.” Compl. at ¶ 68. The claim provides no other specific allegations.

19 The only issue presented to and resolved by the state court in the unlawful detainer action was  
20 whether Mrs. Singh’s eviction proceedings, which includes her giving Plaintiff the three- and 30-day  
21 notices and bringing the unlawful detainer claim under California Code of Civil Procedure § 1160a,  
22 were valid and lawful. After conducting a bench trial, the court concluded that they were, and ordered  
23 Plaintiff evicted from the property.

24 Plaintiff does not and cannot dispute that the state court’s judgment is final and on the merits. As  
25 such, the issue of whether Plaintiff’s eviction was unlawful or wrongful has been decided with finality.  
The state court’s judgment is entitled to full faith and credit from this Court. Accordingly, Plaintiff is  
barred from asserting any claim that is premised on her assertion that Mrs. Singh’s evicting her was  
unlawful. The Court GRANTS Defendants’ motion for judgment on Plaintiff’s wrongful eviction claim

1 because it is barred by collateral estoppel.

2 Plaintiff's remaining claims, however, are not barred by the unlawful detainer action judgment.  
3 "[A] judgment in unlawful detainer usually has very limited res judicata effective." *Vella v. Hudgins*, 20  
4 Cal.3d 251, 255 (1977). In general, "litigation of an affirmative defense [in an unlawful detainer action]  
5 . . . will result in a judgment conclusive upon issues material to that defense." *Id.* at 256-57 (emphasis  
6 added). Plaintiff's affirmative defenses in the unlawful detainer proceedings were limited only to  
7 whether Mrs. Singh brought the eviction proceedings to retaliate against Plaintiff for: (1) her complaints  
8 against the Singhs; (2) her seeking legal counsel for Mr. Singh's alleged sexual harassment; and (3) her  
9 seeking restraining orders against the Singhs. Although her claims in this case are at times based on facts  
10 relevant to her affirmative defenses (namely, Mr. Singh's alleged sexual harassment), the state court did  
11 not make findings or rulings on whether the Singhs' conduct was unlawful beyond finding that Mrs.  
12 Singh did not attempt to evict Plaintiff for illegal reasons. *See* Doc. 36 at 23 (Defendants stating the  
13 court "found the eviction was proper and the facts were insufficient to demonstrate an illegal motive").  
14 The state court did not find that the Singhs acted lawfully in all of their interactions with Plaintiff; its  
15 findings were limited only to whether Mrs. Singh's eviction proceedings were lawful and thus whether  
16 Plaintiff should be evicted.

17 As explained above, the Court therefore agrees with Defendants that any cause of action  
18 premised on Plaintiff's assertion that the eviction was unlawful (*i.e.*, that Mrs. Singh brought the  
19 eviction proceedings to retaliate against Plaintiff) is barred. *See id.* But, with the exception of Plaintiff's  
20 wrongful eviction claim, her claims are not based on that assertion. Those claims concern Plaintiff's  
21 position that the Singhs' conduct was unlawful for reasons distinct from her belief that Mrs. Singh's  
22 unlawful detainer action was retaliatory. As such, they are not barred by the state court's judgment in  
23 that action. Accordingly, the Court DENIES Defendants' motion for judgment on the pleadings on  
24 Plaintiff's remaining claims.

1 **VI. CONCLUSION AND ORDER**

2 For the foregoing reasons, the Court GRANTS Defendants' motion for judgment on the  
3 pleadings as to Plaintiff's ninth cause of action for wrongful eviction, but DENIES the motion in all  
4 other respects.

5 IT IS SO ORDERED.

6 Dated: **January 11, 2016**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE

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