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United States District Court  
Central District Of California  
Western Division

HAVENSIGHT CAPITAL LLC,  
Plaintiff,  
v.  
NIKE, INC.,  
Defendant.

CASE CASE NO. 2:14-CV-07153- R  
ORDER DENYING PLAINTIFF'S EX PARTE  
APPLICATION FOR RELIEF FROM  
SANCTIONS IMPOSED

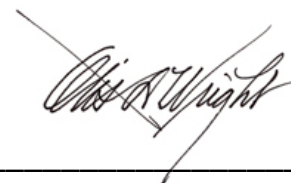
On March 31, 2015 the Court imposed monetary sanctions against Plaintiff's counsel, Benjamin J. Woodhouse under Federal Rules of Civil Procedure 11(c) and 28 USC section 1927 for his repetitious filings asserting previously raised and rejected frivolous arguments. In each case there was no legal justification for the motions and each served no legitimate purpose, but instead served only to increase the cost of the litigation and needlessly burden the opposition and the Court.[110]. On April 1, 2015 Plaintiff filed an *ex parte* application to Vacate the Sanctions Order. [111]. It is that application which is now before the Court.

1 As an initial observation Plaintiff offers no reason why the sanctions should be  
2 lifted, instead there is the same litany of perceived grievances which pepper each and  
3 every filing by this attorney. Time and again the Court has rejected these arguments,  
4 yet they continue to be raised. But the Court turns its attention to the application at  
5 hand.

6 First, it should be noted that *ex parte* relief is rarely justified. *Mission Power Cas.*  
7 *Co Eng'g Co. v. Continental* . 883 F. Supp. 488, 490 (CD Cal.1995). As a prerequisite the  
8 movant must demonstrate that his "cause will be irreparably prejudiced if the  
9 underlying motion is heard according to regular noticed motion procedures." *Id.* At 492.  
10 Moreover, it must be shown that the moving party "is without fault in creating the crisis  
11 that requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect."  
12 *Id.* There has been an utter failure in this regard. These cases are closed and no urgency  
13 has been shown nor is apparent.

14 Aside from the baseless merits, which the Court need not reach nor address,  
15 procedurally no just cause for this extraordinary relief has been shown. On that basis,  
16 the *ex parte* application is DENIED.

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19 DATED: April 6, 2015



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Otis D. Wright, II  
United States District Judge

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