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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE COTA and ADELAIDE COTA,
Plaintiffs,
v.
LIBERTY MUTUAL INSURANCE,
Defendant.

No. 1:18-cv-00133-DAD-JLT

ORDER REJECTING FILING

Plaintiffs Jose Cota and Adelaide Cota, appearing *pro se*, filed a complaint in the Kern County Superior Court on December 11, 2017, alleging one cause of action for breach of contract against defendant Liberty Mutual Insurance. (Doc. No. 1, Ex. A.) On January 25, 2018, defendant Liberty Mutual Insurance removed the action to this federal court on the basis of diversity jurisdiction. (Doc. No. 1.) On February 1, 2018, defendant filed a motion to dismiss, which is currently pending before this court. (Doc. No. 3.) Defendants properly noticed a hearing on the motion to dismiss for March 20, 2018. (*Id.*)

On March 5 and 7, 2018, the Clerk of the Court received hundreds of pages of documents mailed by plaintiffs which did not, on their face, relate to or refer to this case. Accordingly, the Clerk of the Court notified the undersigned of the voluminous filing and requested direction as to whether the documents should be filed as a new action, filed in this case or returned to the submitting party. The undersigned has briefly reviewed the large filing and concludes that its

1 relevance to defendant’s pending motion to dismiss is entirely unclear. Among other documents,
2 plaintiffs’ submission includes a “writ of mandamus” and a “writ of quo warranto,” which have
3 no apparent relevance to this case or the pending motion to dismiss. Most perplexingly, plaintiffs
4 have submitted a “Memorandum of Law in Support of Motion of Defendant Liberty Mutual
5 Insurance Inc. To Dismiss the Complaint.” Other than plaintiffs’ substitution of the case caption
6 and party names in certain places, this memorandum appears to be parroted verbatim from a
7 pleading filed in some other, unrelated action. In this regard, the memorandum filed by plaintiffs
8 refers to a defendant “Wikimedia Foundation,” which is not named as a defendant in this action,
9 and also refers to claims for defamation and interference with prospective economic advantage,
10 which are causes of action not alleged in plaintiffs’ complaint filed in this action. Although
11 plaintiffs have signed the memorandum, notably, the signature line of the memorandum also
12 identifies a “Charles A. LeGrand” as the attorney for defendant Wikimedia Foundation.

13 Despite plaintiffs’ *pro se* status, warranting the granting of some latitude, the court
14 declines to pore through the hundreds of pages submitted by plaintiffs to discern which may be
15 relevant to the matter pending before this court. Pursuant to the Standing Order of this court
16 issued January 25, 2018, “[u]nless prior leave of Court is obtained, all moving and opposition
17 briefs or legal memorandum in civil cases shall not exceed 25 pages.” (Doc. No. 2-1 at 2.) To
18 the extent that plaintiffs intended the submission which violates that standing order to constitute
19 an opposition to defendant’s pending motion to dismiss, the submission will be rejected for filing
20 and the Clerk of the Court will be directed to return it to plaintiffs by mail. Plaintiffs will be
21 permitted to file and serve an opposition to defendant’s motion to dismiss that conforms to the
22 page limitation specified above by March 16, 2018. If defendant wishes to file a reply, it may do

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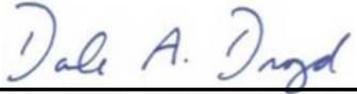
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1 by March 19, 2018. At this time, the properly noticed hearing on defendant's motion to dismiss
2 will proceed on March 20, 2018, before the undersigned.¹

3 IT IS SO ORDERED.

4 Dated: March 9, 2018


5 UNITED STATES DISTRICT JUDGE

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27 ¹ If any opposition filed by plaintiffs is substantive and counsel for defendant is unable to
28 properly reply to it by March 19, 2018 or at the hearing, counsel for defendant may request
additional time to file a written reply at the hearing.