

1 **BACKGROUND**

2
3 On April 12, 2010, Beneficial California moved to dismiss Plaintiff's TILA claim
4 ("Motion"). Mot., April 12, 2010, ECF No. 27. The Court granted Beneficial California's
5 motion and dismissed Plaintiff's TILA claim against Beneficial California. Order, ECF
6 No. 36. On July 9, 2010, Plaintiff filed an application for reconsideration of this Court's
7 order dismissing Plaintiff's TILA claim against Beneficial California. Application, July 9,
8 2010, ECF No. 37. The Court denied Plaintiff's application. ECF No. 39. Plaintiff filed
9 an interlocutory appeal of the Court's order denying reconsideration with the Ninth
10 Circuit. ECF. Nos. 40, 42-44. On October 18, 2010, the United States Court of Appeals
11 for the Ninth Circuit dismissed Plaintiff's appeal for failure to prosecute. Order, Oct. 10,
12 2010, ECF No. 45. Therefore, this Court's Order terminating Beneficial California was
13 not altered. See ECF Nos. 36, 39, 45.

14 On April 13, 2010, the Court received a Notice of Case in Receivership ("Notice")
15 from the Circuit Court for Montgomery County, Maryland ("Circuit Court"). ECF No. 28.
16 The Notice indicated that the Circuit Court appointed a Receiver on behalf of Mann
17 Bracken. Id. The Notice stated that "[p]ursuant to the Order Appointing Receiver, Cheryl
18 E. Rose, Esquire has been appointed as Receiver for Mann Bracken, LLC and is,
19 therefore a substitute party." Id. Copies of the Notice were sent to Counsel for Plaintiff
20 and Defendant Beneficial California. Id. Neither Mann Bracken nor its Receiver moved
21 to dismiss the claims asserted against Mann Bracken.¹

22 On January 11, 2012, the Court continued the Jury Trial in this matter to January
23 28, 2013, and scheduled a Final Pretrial Conference for November 29, 2012. Order,
24 Jan. 11, 2012, ECF No. 46.

25 ///

26 _____
27 ¹ Beneficial California's Motion (ECF No. 27) only addressed Plaintiff's TILA claims against
28 Beneficial California. The Motion did not address Plaintiff's claim for relief against Mann Bracken for
violations of Federal and Rosenthal Fair Debt Collect Practices Acts, nor did Mann Bracken join Beneficial
California's Motion. See ECF No. 27.

1 This Order required that the parties file the Joint Pretrial Statement no later than
2 November 8, 2012 and trial briefs not later than November 15, 2012. See id.

3 On October 5, 2012, the Court continued trial in this matter to January 6, 2014,
4 and ordered that the parties file the Joint Pretrial Statement no later than October 24,
5 2013, and trial briefs not later than October 31, 2013. Order, Oct. 5, 2012, ECF No. 47.

6 On September 23, 2013, the Court continued trial to February 10, 2014, at 9:00 AM.
7 Order, Sept. 23, 2013, ECF No. 50. This order required that the parties file the Joint
8 Final Pretrial Statement not later than November 29, 2013, and trial briefs not later than
9 December 5, 2013. See id. The parties failed to file a Joint Pretrial Statement by
10 November 29, 2013. In addition, neither Plaintiff nor Mann Bracken nor Mann Bracken's
11 Receiver filed Trial Briefs by December 5, 2013.

12 13 **COMMUNICATIONS BETWEEN THE PARTIES AND THE COURT**

14
15 On Friday, December 13, 2013, the Courtroom Deputy to Chief Judge England
16 ("Courtroom Deputy") contacted counsel for Plaintiff and Beneficial California via email
17 and voicemail to inquire as to the status of the case.²

18 Counsel for Beneficial California informed the Courtroom Deputy that Beneficial
19 California was terminated as a defendant pursuant to this Court's order on August, 13,
20 2010, and the Ninth Circuit's dismissal of Plaintiff's appeal. See Attached Email, Dec.
21 13, 2013, at 11:46 AM (referring to ECF Nos. 36, 39, 45). The Courtroom Deputy replied
22 to Counsel for Beneficial California's email stating that "there is nothing further the court
23 needs from [Counsel for Beneficial California]." See Attached Email, Dec. 13, 2013, at
24 1:31 PM.

25 ///

26 ///

27 _____
28 ² The entirety of the Courtroom Deputy's email correspondence with counsel for Plaintiff and Beneficial California is filed as an attachment to this Order.

1 Cheryl R. McNeal, Senior Legal Assistant to Plaintiff's Counsel, Bruce W. Ebert
2 ("Plaintiff's Counsel"), informed the Courtroom Deputy that "Per Dr. Ebert [this case]
3 settled and a dismissal [was] filed." See Attached Email, Dec. 13, 2013, at 11:51 AM.
4 The Courtroom Deputy replied to McNeal's email and correctly noted that a dismissal
5 had not been filed in the matter. See Attached Email, Dec. 13, 2013, at 1:27 PM. In her
6 email to McNeal, the Courtroom Deputy asked Plaintiff's Counsel to advise the Court
7 when the Notice of Settlement and the Dismissal would be filed. See id.

8 After no filings were made to the docket, the Court issued a Minute Order on
9 Monday, December 16, 2013, requiring Plaintiff's Counsel and the Receiver for
10 Defendant Mann Bracken to personally appear for an Order to Show Cause hearing
11 regarding dismissal of the case on January 9, 2014. Order, Dec. 16, 2013, ECF No. 51.
12 The Minute Order also required Plaintiff and the Receiver for Mann Bracken to file a
13 Response to the Order to Show Cause Hearing not later than December 26, 2013, for
14 their failure to comply with the Court's due dates set forth in its September 23, 2013,
15 Order Continuing Trial (ECF No. 50). Id. Because the parties did not comply with the
16 Court's deadlines for the filing of the Joint Pretrial Statement and Trial Briefs, the Order
17 also vacated the Final Pretrial Conference scheduled for Thursday, December 19, 2013,
18 and the Jury Trial scheduled for February 10, 2014. Id.

19 On Monday, December 16, 2013, Plaintiff's Counsel emailed the Courtroom
20 Deputy and asserted that when the Court dismissed Plaintiff's TILA claim against
21 Beneficial California, it dismissed the entire action, including Plaintiff's federal and state
22 debt collection claims against Mann Bracken. See Attached Email, Dec. 16, 2013, at
23 6:45 PM. In his email, Plaintiff's Counsel stated that "the case ENDED 2 years ago. It is
24 basic law. If a plaintiff has an amended complaint dismissed and doesn't appeal[,] the
25 case is over." Id. (emphasis in original). Plaintiff's Counsel further contended that "[n]o
26 dates were ever missed because there cannot be assigned Court dates for an action
27 that doesn't exist." Id. The body of Plaintiff's Counsel's December 16, 2013, email to
28 the Courtroom Deputy is reproduced here:

1 With all due respect, this case ended 2 years ago! The Order
2 to Show Cause is based upon an error someone made on
3 your end at the Court. I have the greatest respect for Judge
4 England. He married my son and daughter-in-law and now
5 someone has created a sadistic situation that will require
6 additional work on employees who should be off for
7 Christmas pulled back to work. I am on military duties right
8 now. Must I petition the 9th Circuit to end this insanity or
9 schedule a personal meeting with Judge England to tell him
10 the truth?

11 Judge England would never have done this unless he was
12 misled given that the case ENDED 2 years ago. It is basic
13 law. If a plaintiff has an amended complaint dismissed and
14 doesn't appeal the case is over. Frankly, I cannot appear in
15 front of this great man and judge I respect on the date
16 arbitrarily set for this debacle.

17 I believe you should carefully review the record. I have
18 psychologically evaluated judge, many court personnel and
19 lawyers so I know the kind of pathology that can exist. I just
20 have faith that Judge England will be upset when given the
21 true facts so end this insanity because the mistake is at the
22 level of the Court. No dates were ever missed because there
23 cannot be assigned Court dates for an action that doesn't
24 exist.

25 See id. (emphasis in original).

26 On Tuesday, December 17, 2013, McNeal emailed the Courtroom Deputy and
27 attached a copy of the Ninth Circuit order dismissing Plaintiff's appeal of this Court's
28 denial of reconsideration of its order dismissing Plaintiff's TILA claim against Beneficial
California. See Attached Email, Dec. 17, 2013, at 11:50 AM.

Later that day, the Courtroom Deputy replied to Plaintiff's Counsel's December
16, 2013, email explaining this case's history, as set forth in this order. See Attached
Email, Dec. 17, 2013 at 4:16 PM.³ In her email, the Courtroom Deputy informed
Plaintiff's Counsel that the Court dismissed Plaintiff's TILA claim against Beneficial
California, but that Plaintiff's claim for relief against Mann Bracken for violations of
Federal and Rosenthal Fair Debt Collect Practices Acts remained before the Court. See
id.

³ The Courtroom Deputy "replied all" to Plaintiff's Counsel's email and also added the Receiver for Mann Bracken, Cheryl Rose, as a recipient. See Attached Email, 12/17/13 at 4:16 p.m.

1 Plaintiff's Counsel responded to the Courtroom Deputy's email and asserted, for
2 the first time, that Beneficial California and Mann Bracken are the same entity. See
3 Attached Email, Dec. 17, 2013 at 8:15 PM (emphasis in original). Plaintiff's Counsel's
4 contended that because the Court dismissed Plaintiff's TILA claims against Beneficial
5 California and because Beneficial California is the same entity as Mann Bracken, the
6 dismissal against Beneficial was a dismissal against Mann Bracken. See id.

7 The body of Plaintiff's Counsel's December 17, 2013, email is reproduced here:

8 This is very disconcerting. Mann Bracken IS Beneficial. One
9 clue is that the counsel for Mann Bracken was the same
10 counsel for Beneficial which either was dissolved or
11 purchased by Mann Bracken or both. So it is basic logic. If A
12 = C and B = C, then B = C. Applied to this case is If Mann
13 Bracken = Beneficial and Beneficial = Mann Bracken then the
14 dismissal against Mann Bracken is a dismissal against
15 Beneficial. I didn't know any of this when the case started.
16 Lawyers for Mann Bracken should have told the Court but
17 you let them off the hook by telling them they didn't have to
18 appear. It is in the documents somewhere.⁴

19 You have dismissed the Mann Bracken lawyers from the
20 Order to Show Cause. Since the Mann Bracken lawyers
21 represent Beneficial and your email to them tells them they
22 do not need to do anything only one person forced to appear
23 before the Judge in January is me and I'm currently on
24 Orders thousands of miles away on behalf of the United
25 States. I am on U.S. Department of Defense Orders assisting
26 the military in matters important to the United States. Frankly,
27 I believe and will note in my moving papers if required to do
28 them that I am convinced the requirement to present the
Court with documents on the day after Christmas is sadistic
designed to punish me when YOU made a terrible mistake.⁵

22 ⁴ The Court is unaware of any documents indicating that Mann Bracken and Beneficial California
23 are the same entity nor did Plaintiff's Counsel direct the Court to any documents in this case to
24 substantiate this assertion. Even if Plaintiff's Counsel's assertion that Beneficial California and Mann
25 Bracken are the same entity, it is unclear how the dismissal of a TILA claim against the combined entity
26 would also result in the automatic dismissal of Plaintiff's federal and state debt collection practices claims
against the combined entity or why a Receiver was appointed as a substitute party for Mann Bracken (and
not Beneficial California) even though Mann Bracken is allegedly part of, controlled by, or owned by
Beneficial California. Plaintiff and the Receiver for Mann Bracken may address these issues in their
required filings due on this Court's docket by Thursday, Dec. 26, 2013. See ECF No. 50.

27 ⁵ Contrary to Plaintiff's assertions, the Court ordered Plaintiff's Counsel and the Receiver for Mann
28 Bracken to personally appear at the January 9, 2014 hearing. See ECF No. 51. Pursuant to the
Receivership Notice filed with the Court on April 13, 2010, the Court Appointed Receiver, Cheryl E. Rose,
is a substitute party for Mann Bracken. See Notice, April 13, 2010, ECF No. 28.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

So THERE IS NO CASE! IT ENDED! To think the fictional Beneficial is still present is the same as actually thinking Santa Clause will be coming on Christmas. This is so frustrating and I would respectfully request that the chief of personnel for the District Court be involved in ordering a fitness for duty exam. Please see to it that this madness ends.

Dr. Ebert, not Mr. Ebert (I've testified so many times in front of rookie lawyers who have tried that just to see it for what it is, a blatant sign of disrespect that has no effect) Judge England never called me "Mr. Ebert."

See id. (emphasis in original).

As of the filing of this Order, there has been no further communication between Plaintiff's Counsel and the Courtroom Deputy. The Receiver for Mann Bracken has not sent any correspondence to the Courtroom Deputy. The Court has not received notice of any actions that would indicate that the Receivership of Mann Bracken has been lifted or that the Receiver is no longer a substitute party for Mann Bracken.⁶

///
///
///
///
///
///
///
///
///

⁶ The Court is aware of a decision from the United States District Court, District of Maryland filed on July 16, 2012 that indicated that Mann Bracken "is the receivership estate of the former debt collection law firm Mann Bracken, LLP." Receivership Estate of Mann Bracken, LLP v. Cline, RWT 12CV292, 2012 WL 2921355 at *1 (D. Md. July 16, 2012). "On or about February 25, 2010, Mann Bracken filed a verified petition for receivership ('Receivership Action') in the Circuit Court for Montgomery County. The case was specially assigned to the Honorable Ronald B. Rubin, who has handled the matter since the filing. On February 26, 2010, Judge Rubin appointed Cheryl Rose as the Receiver of Mann Bracken. The Receiver has worked to wind-up the affairs of Mann Bracken while endeavoring to secure funds to satisfy the claims of Mann Bracken's creditors." Id. (internal citations to that court's docket are omitted); see also Jenkins v. Mann Bracken, LLP, 5:09-CV-80, 2011 WL 3682786 at *2 (W.D.N.C. Aug. 23, 2011) (noting that "Cheryl Rose has been appointed in Maryland state court to liquidate Mann Bracken's assets and to participate in lawsuits and other actions where Mann Bracken is a participant" and that "neither Mann Bracken, nor Cheryl Rose on behalf of Mann Bracken, [had] responded to [that Court's] Order").

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

This matter is confirmed for hearing on Thursday, January 9, 2014 at 9:00 AM in Courtroom 7 at the Robert T. Matsui Federal Courthouse in Sacramento, California.

As set forth in this Court's December 16, 2013, Minute Order, ECF No. 51, Plaintiff's Counsel and the Receiver for Defendant, Mann Bracken, are ordered to personally appear for an Order to Show Cause hearing on Thursday, January 9, 2014, at 9:00 AM in Courtroom 7. Plaintiff's Counsel and the Receiver for Mann Bracken are ordered to file a Response to the Order to Show Cause Hearing not later than Thursday, December 26, 2013, to show cause for their failure to comply with the Court's deadlines set forth in the September 23, 2013 Order Continuing Trial (ECF No. 50).

The Court hereby orders that there shall be no further communication between the Courtroom Deputy and any parties or counsel for parties (and agents or representatives of either party or counsel for parties) by email, telephone call, or in any other manner, prior to the January 9, 2014 hearing. Should any further communication between the Courtroom Deputy and any parties or counsel for parties take place, it will be docketed. The sole form of communication between the Courtroom Deputy and any parties or counsel for parties (or their agents or representatives) shall be through documents filed on the docket for this case.

As required by this Order and the Court's December 16, 2013, Minute Order, ECF No. 51, the parties must submit written filings in this case on the docket not later than Thursday, December 26, 2013.

IT IS SO ORDERED.

DATED: December 23, 2013


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

Pfizer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY
Stephanie Deutsch to: bpsylaw, stuart.richter
Cc: Michael Wood

12/13/2013 09:12 AM

Counsel, this is a follow email to the voice mails I left at your offices regarding the status of this case set for Final Pretrial Conference on 12/19/2013 and Trial on 2/10/2014. Pursuant to the court's 9/23/2013 Order (ECF No. 50), the parties were ordered to file a Joint Final Pretrial Statement and any evidentiary or procedural motions not later than 11/29/2013. Currently, nothing has been filed.

Please advise as to the status of this case not later than 3 p.m. today for his honor. Thank you.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov



RE: Pfizer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY
Grammatico, Paul A. to: SDeutsch@caed.uscourts.gov 12/13/2013 11:46 AM
Cc: "Richter, Stuart M.", "Beardsley, Austin T.", "Korman, Gregory S."
,"bpsylaw@aol.com", "MWood@caed.uscourts.gov"

Ms. Deutsch,

Stuart Richter is in trial today so I am responding on his behalf. On June 11, 2010, Beneficial's motion to dismiss Pfizer's second amended complaint was sustained without leave to amend. Beneficial was ordered terminated as a defendant. (ECF No. 36.) Pfizer subsequently filed a motion for reconsideration, which was denied on August 13, 2010. (ECF No. 39.) Pfizer filed a notice of appeal, but the appeal was ultimately dismissed for failure to prosecute on October 18, 2010. (ECF No. 45.)

Since the dismissal of the appeal, our office has deemed the matter closed and the order terminating Beneficial as a defendant final. To the extent that any additional action is necessary to fully effectuate the termination of this action, please advise, and we will promptly comply. I will be available today by email or telephone to discuss any remaining issues.

Thank you,

PAUL A. GRAMMATICO
Staff Attorney
Katten Muchin Rosenman LLP
650 Town Center Drive, Suite 700 / Costa Mesa, CA 92626-7122
p / (714) 966-6825 f / (714) 464-5399
paul.grammatico@kattenlaw.com / www.kattenlaw.com

Please note new phone number.

From: SDeutsch@caed.uscourts.gov [mailto:SDeutsch@caed.uscourts.gov]
Sent: Friday, December 13, 2013 9:12 AM
To: bpsylaw@aol.com; Richter, Stuart M.
Cc: MWood@caed.uscourts.gov
Subject: Pfizer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY

Counsel, this is a follow email to the voice mails I left at your offices regarding the status of this case set for Final Pretrial Conference on 12/19/2013 and Trial on 2/10/2014. Pursuant to the court's 9/23/2013 Order (ECF No. 50), the parties were ordered to file a Joint Final Pretrial Statement and any evidentiary or procedural motions not later than 11/29/2013. Currently, nothing has been filed.

Please advise as to the status of this case not later than 3 p.m. today for his honor. Thank you.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov

2

=====
CIRCULAR 230 DISCLOSURE: Pursuant to Regulations Governing Practice Before the Internal Revenue Service, any tax advice contained herein is not intended or written to be used and cannot be used by a taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer.
=====

CONFIDENTIALITY NOTICE:

This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please notify the sender, by electronic mail or telephone, of any unintended recipients and delete the original message without making any copies.

=====
NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).
=====



2:09-CV-02634-MCE-KJN

Cheryl McNeal

to:

sdeutsch

12/13/2013 11:51 AM

Hide Details

From: Cheryl McNeal <cheryl.mcneal.psylaw@aol.com>

To: sdeutsch@caed.uscourts.gov

History: This message has been replied to.

Case Name: **PAMELA PFITZER v BENEFICIAL CALIFORNIA, INC.**


In response to your telephone call of December 13, 2013, I spoke to Dr. Ebert about the status of the above-referenced case. Per Dr. Ebert the settled and a dismissal filed.

Please feel free to contact me if you have any questions.

Cheryl R. McNeal, Senior Legal Assistant to
Bruce W. Ebert, Ph.D., J.D., LL.M., ABPP
Clinical & Forensic Psychologist (Board Certified)
Hubbard & Ebert, LLP, Attorneys at Law
(916) 781-7875 Office
(916) 781-2632 Fax
www.lawpsychologyethics.com

FOR OFFICIAL USE ONLY. This electronic transmission may contain work product or other official information protected by the attorney - client privilege or other sensitive information about the Government of the United States of America, all of which is protected from disclosure under the Freedom of Information Act (FOIA), 5 USCA 552. Do not release outside DOD channels without consent of the originator's office. If received in error, please notify the sender by reply email and delete all copies of this message. Communication may be protected IAW DOD 5400.1R (FOUO).

3

Re: 2:09-CV-02634-MCE-KJN 
Stephanie Deutsch to: Cheryl McNeal, bpsylaw
Cc: Michael Wood

12/13/2013 01:27 PM

A dismissal is not on file. Please advise when the Notice of Settlement and the Dismissal will be filed.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov

Cheryl McNeal Case Name: PAMELA PFITZER v BENEFICIAL... 12/13/2013 11:51:29 AM

From: Cheryl McNeal <cheryl.mcneal.psyaw@aol.com>
To: sdeutsch@caed.uscourts.gov
Date: 12/13/2013 11:51 AM
Subject: 2:09-CV-02634-MCE-KJN

Case Name: PAMELA PFITZER v BENEFICIAL CALIFORNIA, INC.

In response to your telephone call of December 13, 2013, I spoke to Dr. Ebert about the status of the above-referenced case. Per Dr. Ebert the settled and a dismissal filed.

Please feel free to contact me if you have any questions.

Cheryl R. McNeal, Senior Legal Assistant to
Bruce W. Ebert, Ph.D., J.D., LL.M., ABPP
Clinical & Forensic Psychologist (Board Certified)
Hubbard & Ebert, LLP, Attorneys at Law
(916) 781-7875 Office
(916) 781-2632 Fax
www.lawpsychologyethics.com

FOR OFFICIAL USE ONLY. This electronic transmission may contain work product or other official information protected by the attorney - client privilege or other sensitive information about the Government of the United States of America, all of which is protected from disclosure under the Freedom of Information Act (FOIA), 5 USCA 552. Do not release outside DOD channels without consent of the originator's office. If received in error, please notify the sender by reply email and delete all copies of this message. Communication may be protected IAW DOD 5400.1R (FOUO).

4

RE: Pfitzer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY 

Stephanie Deutsch to: Grammatico, Paul A.

12/13/2013 01:31 PM

Cc: "Beardsley, Austin T.", "bpsylaw@aol.com", "Korman, Gregory S.",
"MWood@caed.uscourts.gov", "Richter, Stuart M."

Hello. Thank you for your reply and there is nothing further the court needs from Mr. Richter.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov

From: "Grammatico, Paul A." <paul.grammatico@kattenlaw.com>
To: "SDeutsch@caed.uscourts.gov" <SDeutsch@caed.uscourts.gov>
Cc: "Richter, Stuart M." <stuart.richter@kattenlaw.com>, "Beardsley, Austin T." <austin.beardsley@kattenlaw.com>, "Korman, Gregory S." <greg.korman@kattenlaw.com>, "bpsylaw@aol.com" <bpsylaw@aol.com>, "MWood@caed.uscourts.gov" <MWood@caed.uscourts.gov>
Date: 12/13/2013 11:46 AM
Subject: RE: Pfitzer v. Beneficial California, Inc., et al., 2:09cv02634 – PRIORITY

Ms. Deutsch,

Stuart Richter is in trial today so I am responding on his behalf. On June 11, 2010, Beneficial's motion to dismiss Pfitzer's second amended complaint was sustained without leave to amend. Beneficial was ordered terminated as a defendant. (ECF No. 36.) Pfitzer subsequently filed a motion for reconsideration, which was denied on August 13, 2010. (ECF No. 39.) Pfitzer filed a notice of appeal, but the appeal was ultimately dismissed for failure to prosecute on October 18, 2010. (ECF No. 45.)

Since the dismissal of the appeal, our office has deemed the matter closed and the order terminating Beneficial as a defendant final. To the extent that any additional action is necessary to fully effectuate the termination of this action, please advise, and we will promptly comply. I will be available today by email or telephone to discuss any remaining issues.

Thank you,

PAUL A. GRAMMATICO
Staff Attorney
Katten Muchin Rosenman LLP
650 Town Center Drive, Suite 700 / Costa Mesa, CA 92626-7122

5

p / (714) 966-6825 f / (714) 464-5399
paul.grammatico@kattenlaw.com / www.kattenlaw.com

Please note new phone number.

From: SDeutsch@caed.uscourts.gov [mailto:SDeutsch@caed.uscourts.gov]
Sent: Friday, December 13, 2013 9:12 AM
To: bpsylaw@aol.com; Richter, Stuart M.
Cc: MWood@caed.uscourts.gov
Subject: Pfitzer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY

Counsel, this is a follow email to the voice mails I left at your offices regarding the status of this case set for Final Pretrial Conference on 12/19/2013 and Trial on 2/10/2014. Pursuant to the court's 9/23/2013 Order (ECF No. 50), the parties were ordered to file a Joint Final Pretrial Statement and any evidentiary or procedural motions not later than 11/29/2013. Currently, nothing has been filed.

Please advise as to the status of this case not later than 3 p.m. today for his honor. Thank you.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov

=====
CIRCULAR 230 DISCLOSURE: Pursuant to Regulations Governing Practice Before the Internal Revenue Service, any tax advice contained herein is not intended or written to be used and cannot be used by a taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer.
=====

CONFIDENTIALITY NOTICE:
This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please notify the sender, by electronic mail or telephone, of any unintended recipients and delete the original message without making any copies.

=====
NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).
=====



Re: Pfitzer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY

Bpsylaw

to:

SDeutsch

12/16/2013 06:45 PM

Cc:

cheryl.mcneal.psylaw, arturogijon

Hide Details

From: Bpsylaw@aol.com

To: SDeutsch@caed.uscourts.gov

Cc: cheryl.mcneal.psylaw@aol.com, arturogijon@aol.com

History: This message has been replied to and forwarded.

Mr. Deutsch:

With all due respect, this case ended 2 years ago! The Order to Show Cause is based upon an error someone made on your end at the Court. I have the greatest respect for Judge England. He married my son and daughter-in-law and now someone has created a sadistic situation that will require additional work on employees who should be off for Christmas pulled back to work. I am on military duties right now. Must I petition the 9th Circuit to end this insanity or schedule a personal meeting with Judge England to tell him the truth?

Judge England would never have done this unless he was misled given that the case ENDED 2 years ago. It is basic law. If a plaintiff has an amended complaint dismissed and doesn't appeal the case is over. Frankly, I cannot appear in front of this great man and judge I respect on the date arbitrarily set for this debacle.

I believe you should carefully review the record. I have psychologically evaluated judge, many court personnel and lawyers so I know the kind of pathology that can exist. I just have faith that Judge England will be upset when given the true facts so end this insanity because the mistake is at the level of the Court. No dates were ever missed because there cannot be assigned Court dates for an action that doesn't exist.

Dr. Bruce W. Ebert

(916) 781-7875 O
(916) 781-2632 F
(916) 768-3571

Bruce W .Ebert, Ph.D., J.D., LL.M., ABPP
Clinical & Forensic Psychologist (Board Certified)
Hubbard & Ebert, LLP
Special Counsel - CBS Paramount Pictures
President and CEO - Center for Mental Health Law & Ethics
Professor of Psychology - Professional School of Psychology
Adjunct Professor of Law and Ethics - Alliant International University
Vice President - National Association of Attorneys with Disabilities

**In a message dated 12/13/2013 9:12:28 A.M. Pacific Standard Time,
SDeutsch@caed.uscourts.gov writes:**

Counsel, this is a follow email to the voice mails I left at your offices regarding the status of this case set for Final Pretrial Conference on 12/19/2013 and Trial on 2/10/2014. Pursuant to the court's 9/23/2013 Order (ECF No. 50), the parties were ordered to file a Joint Final Pretrial Statement and any evidentiary or procedural motions not later than 11/29/2013. Currently, nothing has been filed.

Please advise as to the status of this case not later than 3 p.m. today for his honor. Thank you.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov



Re: 2:09-CV-02634-MCE-KJN
Cheryl McNeal to: SDeutsch
Cc: MWood

12/17/2013 11:50 AM

My apologies for the delay. I had to pull the file from storage to review it, and to review the court's docket. From what I can tell, and please correct me if I am on the wrong track, the 9th Circuit filed its order dismissing the case on October 15, 2010. The order was filed and served on the district court that date. The order is a mandate from the 9th Circuit directing that a particular action be taken, in this case, dismissal. Please see the attached order.

Again, if I have misinterpreted the court's process, please let me know as it is my understanding the matter is closed and the court's docket should reflect same.

Cheryl R. McNeal, Senior Legal Assistant to
Bruce W. Ebert, Ph.D., J.D., LL.M., ABPP
Clinical & Forensic Psychologist (Board Certified)
Hubbard & Ebert, LLP, Attorneys at Law
(916) 781-7875 Office
(916) 781-2632 Fax

FOR OFFICIAL USE ONLY. This electronic transmission may contain work product or other official information protected by the attorney - client privilege or other sensitive information about the Government of the United States of America, all of which is protected from disclosure under the Freedom of Information Act (FOIA), 5 USCA 552. Do not release outside DOD channels without consent of the originator's office. If received in error, please notify the sender by reply email and delete all copies of this message. Communication may be protected IAW DOD 5400.1R (FOUO).

-----Original Message-----

From: SDeutsch <SDeutsch@caed.uscourts.gov>
To: Cheryl McNeal <cheryl.mcneal.psylaw@aol.com>; bpsylaw <bpsylaw@aol.com>
Cc: MWood <MWood@caed.uscourts.gov>
Sent: Fri, Dec 13, 2013 1:27 pm
Subject: Re: 2:09-CV-02634-MCE-KJN

A dismissal is not on file. Please advise when the Notice of Settlement and the Dismissal will be filed.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov

7

From: Cheryl McNeal <cheryl.mcneal.psyfaw@aol.com>
To: sdeutsch@caed.uscourts.gov
Date: 12/13/2013 11:51 AM
Subject: 2:09-CV-02634-MCE-KJN

Case Name: PAMELA PFITZER v BENEFICIAL CALIFORNIA, INC.

In response to your telephone call of December 13, 2013, I spoke to Dr. Ebert about the status of the above-referenced case. Per Dr. Ebert the settled and a dismissal filed.


Please feel free to contact me if you have any questions.

Cheryl R. McNeal, Senior Legal Assistant to
Bruce W. Ebert, Ph.D., J.D., LL.M., ABPP
Clinical & Forensic Psychologist (Board Certified)
Hubbard & Ebert, LLP, Attorneys at Law
(916) 781-7875 Office
(916) 781-2632 Fax
www.lawpsychologyethics.com

FOR OFFICIAL USE ONLY. This electronic transmission may contain work product or other official information protected by the attorney - client privilege or other sensitive information about the Government of the United States of America, all of which is protected from disclosure under the Freedom of Information Act (FOIA), 5 USCA 552. Do not release outside DOD channels without consent of the originator's office. If received in error, please notify the sender by reply email and delete all copies of this message. Communication may be protected IAW



DOD 5400.1R (FOUO). Court_Order_Dismissing_Appeal_F10.15.2010.pdf

Re: Pfitzer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY 

Stephanie Deutsch to: Bpsylaw

12/17/2013 04:16 PM

Cc: arturogijon, cheryl.mcneal.psyaw, Receiverrose, Michael Wood

Mr. Bruce W. Ebert,

Originally, there were two Defendants in this case: Beneficial California, Inc. and Mann Bracken LLP. In her Second Amended Complaint ("SAC"), Plaintiff asserted a TILA claim against Beneficial California and Federal and Rosenthal Fair Debt Collection Practices violations against Mann Bracken. ECF No. 26.

Defendant Beneficial California moved to dismiss Plaintiff's TILA claim against them in the SAC and this Court granted the motion. ECF No. 36. The Order did not dismiss claims against Defendant Mann Bracken, LLP. Plaintiff filed an application to reconsider (ECF No. 27) and the Court denied Plaintiff's motion (ECF No. 39). Plaintiff filed an interlocutory appeal with the Ninth Circuit regarding this Court's Order (ECF No. 39) denying reconsideration (ECF Nos. 40, 42). The Ninth Circuit ordered the appeal dismissed for failure to prosecute (ECF No. 45). Defendant Mann Bracken did not make a motion to dismiss the claims against it nor did Plaintiff dismiss her claims against Mann Bracken. This Court's order dismissing the claim against Defendant Beneficial California was clear as to its effect: "The Clerk is directed to terminate Defendant Beneficial California, Inc." ECF No. 36. The Court did not dismiss claims against Defendant Mann Bracken.

If Plaintiff would like to have the case against Defendant Mann Bracken dismissed, a formal request and proposed order should be filed on the case docket for the Court's consideration.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov

Bpsylaw

Mr. Deutsch:

12/16/2013 06:45:18 PM

From: Bpsylaw@aol.com
To: SDeutsch@caed.uscourts.gov
Cc: cheryl.mcneal.psyaw@aol.com, arturogijon@aol.com
Date: 12/16/2013 06:45 PM
Subject: Re: Pfitzer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY

Mr. Deutsch:

With all due respect, this case ended 2 years ago! The Order to Show Cause is based upon an error someone made on your end at the Court. I have the greatest respect for Judge England. He married my son and daughter-in-law and now someone has created a sadistic situation that will require additional work on employees who should be off for Christmas pulled back to work. I am on military duties right now. Must I petition the 9th

8

Circuit to end this insanity or schedule a personal meeting with Judge England to tell him the truth?

Judge England would never have done this unless he was misled given that the case ENDED 2 years ago. It is basic law. If a plaintiff has an amended complaint dismissed and doesn't appeal the case is over. Frankly, I cannot appear in front of this great man and judge I respect on the date arbitrarily set for this debacle.

I believe you should carefully review the record. I have psychologically evaluated judge, many court personnel and lawyers so I know the kind of pathology that can exist. I just have faith that Judge England will be upset when given the true facts so end this insanity because the mistake is at the level of the Court. No dates were ever missed because there cannot be assigned Court dates for an action that doesn't exist.

Dr. Bruce W. Ebert

(916) 781-7875 O

(916) 781-2632 F

(916) 768-3571

**Bruce W .Ebert, Ph.D., J.D., LL.M., ABPP
Clinical & Forensic Psychologist (Board Certified)
Hubbard & Ebert, LLP
Special Counsel - CBS Paramount Pictures
President and CEO - Center for Mental Health Law & Ethics
Professor of Psychology - Professional School of Psychology
Adjunct Professor of Law and Ethics - Alliant International University
Vice President - National Association of Attorneys with Disabilities**

**In a message dated 12/13/2013 9:12:28 A.M. Pacific Standard Time,
SDeutsch@caed.uscourts.gov writes:**

Counsel, this is a follow email to the voice mails I left at your offices regarding the status of this case set for Final Pretrial Conference on 12/19/2013 and Trial on 2/10/2014. Pursuant to the court's 9/23/2013 Order (ECF No. 50), the parties were ordered to file a Joint Final Pretrial Statement and any evidentiary or procedural motions not later than 11/29/2013. Currently, nothing has been filed.

Please advise as to the status of this case not later than 3 p.m. today for his honor. Thank you.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov



Re: Pfitzer v. Beneficial California, Inc., et al., 2:09cv02634 -- PRIORITY

Bpsylaw to: SDeutsch

12/17/2013 08:15 PM

Cc: arturogijon, cheryl.mcneal.psyllaw, Receiverrose, MWood

History:

This message has been forwarded.

Dear Ms. Deutsch:

This is very disconcerting. Mann Bracken IS Beneficial. One clue is that the counsel for Mann Bracken was the same counsel for Beneficial which either was dissolved or purchased by Mann Bracken or both. So it is basic logic. If $A = C$ and $B = C$, then $B = C$. Applied to this case is If Mann Bracken = Beneficial and Beneficial = Mann Bracken then the dismissal against Mann Bracken is a dismissal against Beneficial. I didn't know any of this when the case started. Lawyers for Mann Bracken should have told the Court but you let them off the hook by telling them they didn't have to appear. It is in the documents somewhere.

You have dismissed the Mann Bracken lawyers from the Order to Show Cause. Since the Mann Bracken lawyers represent Beneficial and your email to them tells them they do not need to do anything only one person forced to appear before the Judge in January is me and I'm currently on Orders thousands of miles away on behalf of the United States. I am on U.S. Department of Defense Orders assisting the military in matters important to the United States. Frankly, I believe and will note in my moving papers if required to do them that I am convinced the requirement to present the Court with documents on the day after Christmas is sadistic designed to punish me when YOU made a terrible mistake.

So THERE IS NO CASE! IT ENDED! To think the fictional Beneficial is still present is the same as actually thinking Santa Clause will be coming on Christmas. This is so frustrating and I would respectfully request that the chief of personnel for the District Court be involved in ordering a fitness for duty exam. Please see to it that this madness ends.

Dr. Ebert, not Mr. Ebert (I've testified so many times in front of rookie lawyers who have tried that just to see it for what it is, a blatant sign of disrespect that has no effect) Judge England never called me "Mr. Ebert."

(916) 781-7875 O

(916) 781-2632 F

(916) 768-3571

Bruce W. Ebert, Ph.D., J.D., LL.M., ABPP

Clinical & Forensic Psychologist (Board Certified)

Hubbard & Ebert, LLP

Consultant - United States Department of Defense & Department of Justice

Special Counsel - CBS Paramount Pictures

President and CEO - Center for Mental Health Law & Ethics

9

Professor of Psychology - Professional School of Psychology
Adjunct Professor of Law and Ethics - Alliant International University
Vice President - National Association of Attorneys with Disabilities

In a message dated 12/17/2013 4:17:00 P.M. Pacific Standard Time,
SDeutsch@caed.uscourts.gov writes:

Mr. Bruce W. Ebert,

Originally, there were two Defendants in this case: Beneficial California, Inc. and Mann Bracken LLP. In her Second Amended Complaint ("SAC"), Plaintiff asserted a TILA claim against Beneficial California and Federal and Rosenthal Fair Debt Collection Practices violations against Mann Bracken. ECF No. 26.

Defendant Beneficial California moved to dismiss Plaintiff's TILA claim against them in the SAC and this Court granted the motion. ECF No. 36. The Order did not dismiss claims against Defendant Mann Bracken, LLP. Plaintiff filed an application to reconsider (ECF No. 27) and the Court denied Plaintiff's motion (ECF No. 39). Plaintiff filed an interlocutory appeal with the Ninth Circuit regarding this Court's Order (ECF No. 39) denying reconsideration (ECF Nos. 40, 42). The Ninth Circuit ordered the appeal dismissed for failure to prosecute (ECF No. 45). Defendant Mann Bracken did not make a motion to dismiss the claims against it nor did Plaintiff dismiss her claims against Mann Bracken. This Court's order dismissing the claim against Defendant Beneficial California was clear as to its effect: "The Clerk is directed to terminate Defendant Beneficial California, Inc." ECF No. 36. The Court did not dismiss claims against Defendant Mann Bracken.

If Plaintiff would like to have the case against Defendant Mann Bracken dismissed, a formal request and proposed order should be filed on the case docket for the Court's consideration.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov

From: Bpsylaw@aol.com
To: SDeutsch@caed.uscourts.gov
Cc: cheryl.mcneal.psyllaw@aol.com, arturogijon@aol.com
Date: 12/16/2013 06:45 PM
Subject: Re: Pfizer v. Beneficial California, Inc., et al., 2:09cv02634 – PRIORITY

Mr. Deutsch:

With all due respect, this case ended 2 years ago! The Order to Show Cause is based upon an error someone made on your end at the Court. I have the greatest respect for Judge England. He married my son and daughter-in-law and now someone has created a sadistic situation that will require additional work on employees who should be off for Christmas pulled back to work. I am on military duties right now. Must I

petition the 9th Circuit to end this insanity or schedule a personal meeting with Judge England to tell him the truth?

Judge England would never have done this unless he was misled given that the case ENDED 2 years ago. It is basic law. If a plaintiff has an amended complaint dismissed and doesn't appeal the case is over. Frankly, I cannot appear in front of this great man and judge I respect on the date arbitrarily set for this debacle.

I believe you should carefully review the record. I have psychologically evaluated judge, many court personnel and lawyers so I know the kind of pathology that can exist. I just have faith that Judge England will be upset when given the true facts so end this insanity because the mistake is at the level of the Court. No dates were ever missed because there cannot be assigned Court dates for an action that doesn't exist.

Dr. Bruce W. Ebert

(916) 781-7875 O
(916) 781-2632 F
(916) 768-3571

Bruce W. Ebert, Ph.D., J.D., LL.M., ABPP
Clinical & Forensic Psychologist (Board Certified)
Hubbard & Ebert, LLP
Special Counsel - CBS Paramount Pictures
President and CEO - Center for Mental Health Law & Ethics
Professor of Psychology - Professional School of Psychology
Adjunct Professor of Law and Ethics - Alliant International University
Vice President - National Association of Attorneys with Disabilities

In a message dated 12/13/2013 9:12:28 A.M. Pacific Standard Time, SDeutsch@caed.uscourts.gov writes:

Counsel, this is a follow email to the voice mails I left at your offices regarding the status of this case set for Final Pretrial Conference on 12/19/2013 and Trial on 2/10/2014. Pursuant to the court's 9/23/2013 Order (ECF No. 50), the parties were ordered to file a Joint Final Pretrial Statement and any evidentiary or procedural motions not later than 11/29/2013. Currently, nothing has been filed.

Please advise as to the status of this case not later than 3 p.m. today for his honor. Thank you.

Stephanie Deutsch,
Courtroom Deputy to Chief Judge England
United States District Court
501 I Street, Suite 4-200
Sacramento, California 95814
(916) 930.4207
sdeutsch@caed.uscourts.gov