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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RIDDICK, ET AL.,  
Plaintiff,  
v.  
AT&T INC., ET AL.,  
Defendants.

No. 2:12-cv-02033-KJM-AC

ORDER

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). Plaintiff Valerie Lynn (“Plaintiff Lynn”) filed a motion for permission for electronic case filing on August 8, 2014. ECF No. 46. On August 14, 2014, Plaintiffs June Riddick, Patricia Hardy, Natalie Maderos, Valerie Lynn, and Lisa Vales (“Plaintiffs”) filed a motion for leave to amend in order to add defendants AT&T Advertising Solutions, AT&T Advertising & Publishing, AT&T Yellow Pages, AT&T Real Yellow Pages, AT&T California, Pacific Bell Directory, SBC Directory, SBC Directory Operations, SBC Yellow Pages, YP Western Directory LLC, YP Holdings LLC, and Cerberus Capital Management. ECF No. 48. For the reasons stated below the Court grants Plaintiff Lynn’s motion for permission for electronic case filing in part and grants Plaintiffs’ motion for leave to amend.

PROCEDURAL BACKGROUND

Plaintiffs filed their original complaint on August 2, 2012, claiming that defendant AT&T

1 had violated the California Fair Employment and Housing Act, Government Code § 12900 *et*  
2 *seq.*; Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*; and the Age Discrimination in  
3 Employment Act, 29 U.S.C. § 621 *et seq.* ECF No. 1. On December 18, 2012, Plaintiffs filed  
4 their first amended complaint in order to add YP Western Directory LLC as a defendant. ECF  
5 No. 11. On January 2, 2013, defendant AT&T filed its answer to Plaintiffs' first amended  
6 complaint. ECF No. 13. On June 9, 2013, the Court granted Plaintiffs' motion to substitute so  
7 that Plaintiffs could proceed *pro se*. ECF No. 33–37. On August 8, 2014, Plaintiff Lynn filed a  
8 motion for permission for electronic case filing. ECF No. 46. On August 14, 2014, Plaintiffs  
9 filed a motion for leave to amend, seeking to add defendants to their amended complaint. ECF  
10 No. 48.

#### 11 DISCUSSION

12 Plaintiff Lynn filed her motion for permission for electronic case filing to be able to  
13 electronically file court documents on behalf of both herself and the remaining plaintiffs. ECF  
14 No. 46. The law requires that only parties themselves, or their legal counsel as permitted by court  
15 rule, may plead and conduct their litigation. 28 U.S.C. § 1654. Further, Rule 11, Federal Rules  
16 of Civil Procedure, requires that all pleadings and motions be signed by the party or his attorney.  
17 In California, individuals are prohibited from legally representing others unless they are active  
18 members of the state bar. Cal. Bus. & Prof. Code § 6125. To the extent that Plaintiff Lynn seeks  
19 the Court's permission to electronically file documents on behalf of her co-plaintiffs the Court  
20 denies her request because doing so would constitute the unauthorized practice of law. However,  
21 the Court grants the request to the extent that Plaintiff Lynn seeks the Court's permission to  
22 electronically file documents on her own behalf alone.

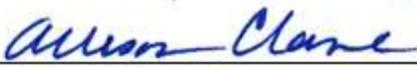
23 Plaintiffs have also filed a motion for leave to file an amended complaint to replace "John  
24 Does" with named defendants. "As a general rule, the use of 'John Doe' to identify a defendant  
25 is not favored." Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980). However, the Ninth  
26 Circuit has held that where identity is unknown prior to the filing of a complaint, the plaintiff  
27 should be given an opportunity through discovery to identify the unknown defendants, unless it is  
28 clear that discovery would not uncover the identities or that the complaint would be dismissed on

1 other grounds. Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999) (citing Gillespie,  
2 629 F.2d at 642). Once plaintiff has learned Doe defendants' identities through discovery, he  
3 may move to file an amended complaint to add them as named defendants. See Brass v. Cnty. of  
4 Los Angeles, 328 F.3d 1192, 1195–98 (9th Cir. 2003). Federal Rule of Civil Procedure 15(a)  
5 allows a party to amend his complaint by leave of the court at any time, and that leave “shall be  
6 freely given when justice so requires.” Plaintiffs have used discovery to identify previously  
7 unknown defendants in a timely manner. Accordingly, the Court grants Plaintiffs’ motion for  
8 leave to amend their complaint to add defendants AT&T Advertising Solutions, AT&T  
9 Advertising & Publishing, AT&T Yellow Pages, AT&T Real Yellow Pages, AT&T California,  
10 Pacific Bell Directory, SBC Directory, SBC Directory Operations, SBC Yellow Pages, YP  
11 Western Directory LLC, YP Holdings LLC, and Cerberus Capital Management.

12 Accordingly, for the reasons stated above, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff’s motion for permission for electronic case filing (ECF No. 46) be granted  
14 in part; and
- 15 2. Plaintiffs’ motion for leave to amend (ECF No. 48) be granted.

16 DATED: September 3, 2014

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18 ALLISON CLAIRE  
19 UNITED STATES MAGISTRATE JUDGE  
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