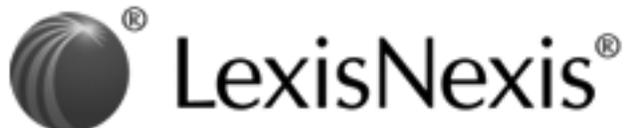


# **EXHIBIT 13**



**JANETTA SCONIERS, Plaintiff, v. FRESNO COUNTY SUPERIOR COURT, et al., Defendants.**

**CASE NO. 1:11-cv-00113-LJO-SMS**

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

*2011 U.S. Dist. LEXIS 152225*

**December 13, 2011, Decided**  
**December 13, 2011, Filed**

**SUBSEQUENT HISTORY:** Later proceeding at *Sconiers v. Judicial Council of Cal.*, 2012 U.S. Dist. LEXIS 3621 (E.D. Cal., Jan. 11, 2012) (Doc. 51)

Amended by, Substituted opinion at *Sconiers v. Fresno County Superior Court*, 2012 U.S. Dist. LEXIS 12115 (E.D. Cal., Jan. 20, 2012)

Request denied by *Sconiers v. Cal. Dep't of Soc. Servs.*, 2012 U.S. Dist. LEXIS 24337 (E.D. Cal., Feb. 23, 2012)

**PRIOR HISTORY:** *Sconiers v. Fresno County Superior Court*, 2011 U.S. Dist. LEXIS 135442 (E.D. Cal., Nov. 23, 2011)

**COUNSEL:** [\*1] For Janetta L Sconiers, Plaintiff: Ralston L Courtney, LEAD ATTORNEY, Ralston L Courtney, Attorney at Law, Coarsegold, CA.

**JUDGES:** Lawrence J. O'Neill, UNITED STATES DISTRICT JUDGE.

**OPINION BY:** Lawrence J. O'Neill

**OPINION**

ORDER TO ADOPT FINDINGS AND RECOMMENDATIONS RECOMMENDING THAT COMPLAINT BE DISMISSED FOR FAILURE TO COMPLY WITH COURT RULES

On October 21, 2011, Magistrate Judge Sandra M. Snyder ordered Plaintiff Janetta L. Sconiers and counsel Ralston L. Courtney to appear at a hearing on November 16, 2011, to show cause why this matter should not be dismissed for failure to comply with *F.R.Civ.P. 8* and *11*, and sanctions imposed. Neither Plaintiff nor counsel appeared. On November 23, 2011, the Magistrate Judge filed Findings and Recommendations recommending that this case be dismissed, counsel be fined and reprimanded, and Plaintiff be declared a vexatious litigant subject to pre-filing review.

On December 12, 2011, Plaintiff filed objections and exhibits totaling 295 pages. Plaintiff's objections did not address the application of *F.R.Civ.P. 8* and *11* to the complaint in this matter.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of this case. [\*2] Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that the Findings and Recommendations, filed November 23, 2011, are adopted in full. Specifically,

1. This matter is hereby dismissed with prejudice for failure to comply with *F.R.Civ.P.* 8 and 11.

2. Plaintiff's attorney, Ralston Courtney, is hereby sanctioned pursuant to *F.R.Civ.P.* 11 for failing to conduct a reasonable and competent inquiry regarding (a) Plaintiff's motives for proceeding with the complaint; (b) the legal sufficiency of the asserted claims; and (c) the factual sufficiency of the asserted claims. As penalty, Courtney is ordered, no later than January 14, 2012, to pay \$5000.00 to the Court's Nonappropriated Fund.

3. Courtney is hereby reprimanded for his conduct in this matter, which degraded and impugned the integrity of this Court and interfered with its administration of justice.

4. The Clerk of Court is directed to send a copy of this Order and the underlying Findings and Recommendations to Office of Chief Trial Counsel/Intake, The State Bar of California, 1149 South Hill Street, Los Angeles, [\*3] California 90015-2299.

5. Plaintiff Janetta Sconiers is hereby sanctioned pursuant to *F.R.Civ.P.* 11 for her failure to conduct a reasonable and competent inquiry regarding the legal and factual sufficiency of her claims, and for her determination to file repetitive claims intended to harass the individuals named as defendants.

a. Plaintiff is declared to be a vexatious litigant.

b. On or after the date of this order, Plaintiff shall pay the filing fee in all actions initiated *in propria persona* or by legal counsel on her behalf.

c. Upon presentation of a complaint by Plaintiff or any attorney acting on her behalf in any action initiated on or after the date of the Court's order, the Clerk of Court shall lodge the complaint pending its review by the Duty Magistrate Judge to ensure that the complaint is neither frivolous nor malicious and that it states claims cognizable in this Court. No complaint shall be filed prior to such screening and approval.

IT IS SO ORDERED.

**Dated: December 13, 2011**

**/s/ Lawrence J. O'Neill**

UNITED STATES DISTRICT JUDGE