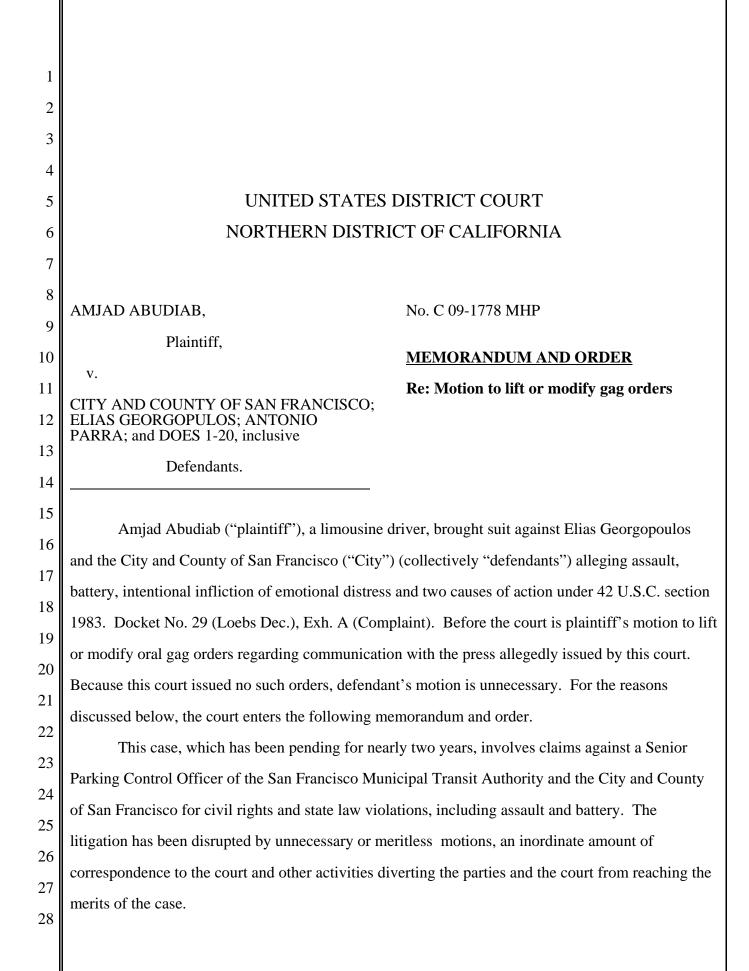
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10 11 **United States District Court** 12 For the Northern District of California 13 14 15 16

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The court now has before it plaintiff's motion to lift or modify gag orders. Plaintiff mistakenly asserts that this court has issued two oral gag orders prohibiting plaintiff and his attorney from communicating with the press. He argues that these orders allegedly are vague, overbroad, and pose unconstitutional prior restraints on the First Amendment rights of plaintiff and his attorney. Plaintiff claims that this motion is necessitated by defendants' gross, deliberate misrepresentations about the conduct of plaintiff's counsel in an attempt to discredit plaintiff and his attorney, obfuscate the otherwise narrow issues in this case, wear down plaintiff's resources, and expose plaintiff and his attorney to sanctions, contempt orders, and potentially other negative actions.

9 Plaintiff is incorrect in asserting that this court issued two oral gag orders regarding communications with the press. The record contradicts plaintiff's assertion. During the April 5, 2010 proceeding cited in plaintiff's motion, no gag order was issued. Motion, Exh. A (April 5 proceeding) at 11-13. Similarly, during the May 28, 2010 proceeding, no gag order was issued. Id. at Exh. B (May 28 proceeding). During each of these proceedings, this court simply advised plaintiff's counsel that the appropriate place to try this case is in the courtroom, not in the press. Motion, Exh. A at 11-13, Exh. B. This court considers this, as most judges would, to be wise advice. The court expects counsel to act with prudence and professionalism in pursuing the interests of their clients. 17

18 For the foregoing reasons, plaintiff's motion is wholly unnecessary. The court further 19 advises all counsel in this action to refrain from the filing of improvident motions, sending 20 unnecessary correspondence to the court and filling the record with other trumpery. Instead they 21 shall devote themselves to the merits of this case and move it forward expeditiously. The court, 22 therefore, dismisses the motion as unworthy of attention.

Dated: March 4, 2011

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MARILYN HALL PATEI United States District Court Judge Northern District of California