

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GABRIEL JIMENEZ,

Plaintiff,

v.

BANK OF AMERICA FKA,

Defendant.

No. C 09-05575 CRB

**ORDER DENYING (1) REQUEST FOR
FEES AND (2) MOTION TO STRIKE**

In this mortgage case, Defendant has asked the Court to order Plaintiff to award Defendant its legal fees under Rule 11, arguing that Plaintiff’s Complaint lacks evidentiary support, is not warranted by the existing law, and was filed for an improper purpose. See dkt. 29. In turn, Plaintiff asks the Court to strike the Supplemental Declaration of James Goldberg filed in connection with Defendant’s filing, arguing that “enough is enough, already.” See dkt. 42 at 1. The Court has carefully considered the parties’ arguments and hereby DENIES both requests. Although the Court is very much concerned with counsel Sharon Lapin’s conduct in this case, it is not prepared to conclude that she brought this suit with an improper motive, as Defendant asserts. Nor does the Court find that the

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Supplemental Declaration was improper or unfairly prejudicial.

IT IS SO ORDERED.



Dated: June 20, 2011

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE