

United States District Court

For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JOHN SHEK,

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Plaintiff,

No. C 12-04517 WHA

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v.

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CHILDREN HOSPITAL RESEARCH
CENTER OF OAKLAND, et al.,14
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**ORDER QUASHING SERVICE
OF SUMMONS AND COMPLAINT
ON JOSEPH L. ROBINSON**

Defendants.

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Mr. Joseph L. Robinson, who lives in Richmond on South 47th Street, was notified by plaintiff John Shek to appear in court today. Mr. Robinson did so; however, no one else appeared, including plaintiff Shek. Mr. Robinson stated under oath that he is not the "Joseph Robinson" named in plaintiff's complaint. To get to the bottom of it, the Court took sworn live testimony from Mr. Robinson. The sworn record demonstrates, and the Court so finds, that Mr. Robinson is the wrong person and that plaintiff Shek and/or his process server knew he was serving the wrong person when process was served on Mr. Robinson. This inconvenience has subjected Mr. Robinson to undue expense and stress. The summons on him is **QUASHED** in its entirety.

Plaintiff John Shek and his process server, Judith Shek, are hereby **ORDERED TO APPEAR** at the conference management conference scheduled for **DECEMBER 13, 2012**. Plaintiff is advised to obtain a copy of today's transcript, at his own expense, to read it and then to justify

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1 his actions. He must be prepared to explain himself on pain of sanction, including dismissal of
2 this case. Plaintiff Shek is **FURTHER ORDERED** to notify all others he has told of the wrongly
3 named defendant, so that he will no longer tarnish Mr. Robinson's reputation.

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5 **IT IS SO ORDERED.**

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7 Dated: December 6, 2012.

W^m A^m
8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE

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