

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

JASON COLEMAN,	)	Case No. 12-05981 SC
	)	
Plaintiff,	)	ORDER GRANTING
	)	MOTION TO DISMISS AND
v.	)	DENYING MOTION FOR
	)	<u>SANCTIONS</u>
TEAMSTERS LOCAL 853, and DOES 1-	)	
50,	)	
	)	
Defendants.	)	
	)	
	)	

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Now before the Court is Defendant Teamsters Local 853's ("Defendant") motion to dismiss and motion for sanctions. ECF Nos. 16, 18. Though Plaintiff Jason Coleman ("Coleman") declined to file an opposition to the motions, the issues presented are straightforward and, thus, amenable for determination on the merits without further briefing or oral argument, per Civil Local Rule 7-1(b). For the reasons set forth below, the motion to dismiss is GRANTED, and the motion for sanctions is DENIED.

Plaintiff brings this action, pro se, in connection with his termination by Southern Wine & Spirits of California, Inc. ("Southern"). Plaintiff alleges that the termination was wrongful and sought assistance from Defendant, which had agreed to represent Plaintiff in all matters dealing with his employment by Southern.

1 ECF No. 1 ("Compl.") ¶¶ 11, 30. Plaintiff further alleges that  
2 Defendant failed to assist Plaintiff with his grievance, and that  
3 Defendant's failure to act was motivated by racial bias. Id. ¶¶  
4 30, 37. Plaintiff now asserts causes of action for (1)  
5 discrimination based on race in violation of 42 U.S.C. § 1981, and  
6 (2) intentional infliction of emotional distress.

7 This is not the first time that Plaintiff has sued Defendant  
8 in connection with his termination. In 2010, Plaintiff filed a  
9 similar discrimination suit against Defendant, along with Southern  
10 and one of Defendant's representatives. The case was initially  
11 filed in California Superior Court and subsequently removed to  
12 federal court and assigned to the undersigned. Coleman v. Southern  
13 Wine & Spirits of California Inc., Case No. 11-00501 SC (N.D. Cal.)  
14 ("Coleman I"). In the First Amended Complaint filed in Coleman I,  
15 Plaintiff asserted eleven causes of action, including causes of  
16 action for discrimination and intentional infliction of emotional  
17 distress. MTD Ex. A ("FAC"). The facts underlying these claims  
18 are identical to those underlying Plaintiff's claims in the instant  
19 action. On November 14, 2011, the Court granted Defendant's motion  
20 to dismiss and dismissed with prejudice Plaintiff's claims for  
21 discrimination and intentional infliction of emotional distress.  
22 MTD Ex. B ("Nov. 13, 2011 Order") at 12. The Court also denied  
23 Plaintiff's request for leave to amend to allege a claim under 42  
24 U.S.C. § 1981. Id. at 13. Plaintiff later stipulated to dismiss  
25 his entire action with prejudice. MTD Ex. C.

26 Since the instant action involves the same parties, the same  
27 subject matter, and the same causes of action as Coleman I,  
28 Plaintiff's claims are barred by res judicata. Res judicata, also

1 known as claim preclusion, bars successive litigation of the same  
2 claims following a final adjudication on the merits. Amadeo v.  
3 Principal Mut. Life Ins. Co., 290 F.3d 1152, 1159 (9th Cir. 2002).  
4 The doctrine applies where there is "(1) an identity of claims, (2)  
5 a final judgment on the merits, and (3) identity or privity between  
6 parties." Western Radio Servs. Co. v. Glickman, 123 F.3d 1189,  
7 1192 (9th Cir. 1997). As to the first condition, there is an  
8 identity of claims since the instant action and Coleman I arise out  
9 of the same transactional nucleus of facts. See Frank v. United  
10 Airlines, Inc., 216 F.3d 845, 851 (9th Cir. 2000). With respect to  
11 the second condition, the November 14, 2011 Order and Plaintiff's  
12 voluntary dismissal with prejudice in Coleman I operate as final  
13 judgments on the merits. See Concha v. London, 62 F.3d 1493, 1507-  
14 08 (9th Cir. 1995). As to the third condition, both Plaintiff and  
15 Defendant were parties to Coleman I. Accordingly, Defendant's  
16 motion to dismiss is GRANTED.

17 Defendant also moves for sanctions pursuant to Federal Rule of  
18 Civil Procedure 11. "[Rule 11] provides for the imposition of  
19 sanctions when a filing is frivolous, legally unreasonable, or  
20 without factual foundation, or is brought for an improper purpose."  
21 Estate of Blue v. Cnty. of L.A., 120 F.3d 982, 985 (9th Cir. 1997).  
22 "When a reasonable investigation would reveal that a claim is  
23 barred by res judicata or collateral estoppel, for example, Rule 11  
24 sanctions may be imposed within the district court's discretion."  
25 Id. The analysis is slightly different where, as here, a plaintiff  
26 proceeds pro se, since "arguments that a lawyer should or would  
27 recognize as clearly groundless may not seem so to the pro se  
28 [litigant]." Pryzina v. Ley, 813 F.2d 821, 823-24 (7th Cir. 1987).

1 While the Court might be inclined to impose Rule 11 sanctions if  
2 Plaintiff were represented by counsel, the present circumstances  
3 call for more leniency.<sup>1</sup> Accordingly, Defendant's motion for  
4 sanctions is DENIED.

5 For the foregoing reasons, Defendant Teamsters Local 853  
6 motion to dismiss is GRANTED, and this action is DISMISSED WITH  
7 PREJUDICE. Defendant's motion for sanctions is DENIED.

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9 IT IS SO ORDERED.

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11 Dated: July 18, 2013

  
UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> The Court does not mean to imply that Rule 11 sanctions are never  
28 available against pro se litigants. Indeed, the case law holds  
otherwise. See Ferguson v. MBank Houston, N.A., 808 F.2d 358, 359  
(5th Cir. 1986) ("That his filings are pro se offers [plaintiff] no  
impenetrable shield, for one acting pro se has no license to harass  
others, clog the judicial machinery with meritless litigation, and  
abuse already overloaded court dockets.").