

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADIL HIRAMANЕК, *et al.*,

No. C-13-0228 EMC

Plaintiffs,

**ORDER RE PLAINTIFFS' AMENDED
COMPLAINT**

v.

L. MICHAEL CLARK, *et al.*,

(Docket No. 37)

Defendants.

Previously, the Court granted the *in forma pauperis* applications of Plaintiffs Roda and Adil HirananeK (mother and son). However, pursuant to its 28 U.S.C. § 1915(e)(2) review, the Court dismissed with prejudice the bulk of Plaintiffs' claims. *See* Docket No. 19 (Order at 12-13). The Court gave Mr. HirananeK leave to amend certain claims, noting that it would continue to evaluate any amended complaint pursuant to § 1915(e)(2). *See* Docket No. 19 (Order at 13). Thereafter, Plaintiffs filed an amended complaint. Having evaluated that amended complaint pursuant to § 1915(e)(2), the Court hereby rules as follows.

I. DISCUSSION

A. Amendments Beyond the Scope of the Court's Order

In its prior order, the Court dismissed all of Ms. HirananeK's claims with prejudice, except for one. The one claim that survived dismissal was her claim for disability discrimination against the Superior Court, brought pursuant to the Americans with Disabilities Act ("ADA") and California Civil Code § 51. *See* Docket No. 19 (Order at 12). As for Mr. HirananeK, all of his claims were dismissed. Furthermore, all claims were dismissed with prejudice, except for two (related to

1 unlawful search and seizure and unlawful interrogation). The Court gave Mr. Hirananeck leave to
2 amend the two claims within specific parameters. *See* Docket No. 19 (Order at 13).

3 Notably, the Court instructed the parties that, “[a]t this juncture, Mr. Hirananeck is not
4 permitted to make any amendments other those explicitly identified by the Court in this order.
5 Similarly, at this juncture, the only claim that Ms. Hirananeck may assert in Plaintiffs’
6 amended complaint is the claim that has survived dismissal” Docket No. 19 (Order at 13)
7 (emphasis in original). The statement was bolded for the benefit of Plaintiffs. The Court
8 intentionally restricted the scope of the amendments because its goal was to determine whether there
9 were at least *some* potentially viable claims such that the case should move forward and the pleading
10 be served. Its goal was not to make a definitive determination as to the parameters of the case.

11 In spite of the Court’s express order, Plaintiffs have made amendments beyond the scope
12 permitted. For example:

- 13 • In Count II, Ms. Hirananeck has added claims for disability discrimination pursuant to new
14 statutes and against a new defendant. Her claims are also based in part on new facts – *i.e.*,
15 events that have transpired since the filing of the original complaint (*i.e.*, after January 17,
16 2013). Furthermore, Mr. Hirananeck has now asserted disability discrimination claims
17 although he did not in the original complaint.
- 18 • In Count X, Mr. Hirananeck has added claims for unlawful search and seizure pursuant to
19 new statutes and against new defendants. In addition, he has asserted the claims against the
20 Superior Court even though the Court expressly dismissed the claims against the Superior
21 Court.
- 22 • In Count XVII, Mr. Hirananeck has added claims for unlawful interrogation pursuant to new
23 statutes and against new defendants. In addition, he has asserted the claims against the
24 Superior Court even though the Court expressly dismissed the claims against the Superior
25 Court.
- 26 • In Count XIX, Mr. Hirananeck brings a claim for “obstruction” and “perversion of the course
27 of justice,” which he never included in the original complaint.

28

1 Because these amendments were not permitted by the Court’s order – indeed, were expressly
2 prohibited – the Court strikes each of the amendments (with one exception) from the amended
3 complaint.

4 The one exception where the Court does not strike is Ms. Hirananeck’s *factual* allegations as
5 to additional denials of requests for accommodation that took place after the filing date of the
6 original complaint. The Court shall permit these allegations as they are sufficiently related to the
7 allegations in the original complaint and as they do not dramatically expand upon the allegations in
8 the original complaint.

9 B. Count II

10 As stated above, the Court strikes all amendments with respect to Count II (with one
11 exception) because no amendments of Count II were permitted. The sole exception is that the Court
12 does not strike the new *factual* allegations as to denials of Ms. Hirananeck’s requests for
13 accommodation which took place after January 17, 2013.

14 **Accordingly, at this juncture, Count II consists of a disability discrimination claim (1)**
15 **brought by Ms. Hirananeck only (not Mr. Hirananeck) (2) against the Superior Court only (not**
16 **Ms. Ku) and (3) pursuant to the ADA and California Civil Code § 51 only (not other statutes).**

17 C. Count X

18 As noted above, the Court strikes all amendments to Count X that were not permitted by the
19 Court’s prior order. Thus, at this juncture, Count X consists of an unlawful search and seizure claim
20 brought by Mr. Hirananeck against (1) Judge Clark, Mr. Yamasaki, Judge Loftus, and the County
21 and (2) pursuant to 42 U.S.C. §§ 1983 and 1988 (the First, Fourth, Fifth, Sixth, Eighth, and
22 Fourteenth Amendments) and the California Constitution, article I, § 13 only.

23 The Court now evaluates whether the allegations with respect to this claim survive §
24 1915(e)(2) review.

25 ///

26 ///

27 ///

28 ///

1 1. Section 1983¹

2 a. Judge Clark

3 As to Judge Clark, the Court begins by noting that some of the alleged misconduct identified
4 by Mr. Hirananeck does not appear to be a constitutional violation. For example, Mr. Hirananeck
5 suggests that, on December 30, 2011, Judge Clark ordered a deputy to shadow and monitor him
6 while at the family courthouse, *see* SAC ¶ 82; he also suggests that Judge Clark routinely ordered
7 deputies in the courtroom to stand close behind him during proceedings and breathe down his neck
8 as a means of intimidation. *See* SAC ¶ 73. But such conduct does not constitute a search or seizure.

9 The Court also notes that, for some of the alleged misconduct, there are insufficient factual
10 allegations to support Mr. Hirananeck’s claim that the misconduct was directed by Judge Clark. For
11 example, Mr. Hirananeck alleges that, on June 8, 2012, Judge Clark instructed Deputy Plett to
12 approach Mr. Hirananeck in the family courthouse and “mak[e] provocative and hostile moves.”
13 SAC ¶ 77. But Mr. Hirananeck does not allege any facts substantiating that Defendant Plett was
14 acting under the instructions of Judge Clark. These allegations do not state a plausible claim. *See*
15 *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007) (stating that a complaint must include “enough
16 facts to state a claim to relief that is plausible on its face”; a claim that is simply conceivable is
17 subject to dismissal); *see also Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (stating that “[a] claim
18 has facial plausibility when the plaintiff pleads factual content that allows the court to draw the
19 reasonable inference that the defendant is liable for the misconduct alleged”).

20 However, Mr. Hirananeck has made allegations that he was subjected to a search and/or
21 seizure and that he was actually told by the deputies involved that they were acting pursuant to
22 Judge Clark’s direction. For instance, Mr. Hirananeck alleges that, on June 11, 2012, he was leaving
23 for a lunch break in a family court proceeding when several deputies detained him and confined him
24 in a conference room where he was interrogated “for a considerable period of time.” SAC ¶ 144.
25 Mr. Hirananeck indicates that one of the deputies admitted to him that Judge Clark was behind this

27 ¹ Although Mr. Hirananeck refers to § 1983 and § 1988 in his complaint, § 1988 is not an
28 independent private right of action. It simply permits, *e.g.*, an award of attorney’s fees in a § 1983
case.

1 “criminal persecution.” SAC ¶ 143. As another example, Mr. Hiranek alleges that, on January
2 14, 2013, he and his property successfully cleared the x-ray screening at the security entrance to the
3 courthouse. But in spite of this fact, he was still subjected to a frisk and patdown and his property
4 subjected to a detailed hand search, all pursuant to the direction of Judge Clark as one of the
5 deputies expressly informed him. See SAC ¶¶ 67-71. As to these two incidents, it is arguably a
6 question of fact as to whether Judge Clark would have judicial immunity for his actions, if he had in
7 fact so instructed the deputies to act.²

8 Accordingly, the Court concludes that Mr. Hiranek has adequately stated – at least in part
9 – a claim against Judge Clark for purposes of § 1915(e)(2) review.

10 b. Mr. Yamasaki

11 Mr. Hiranek’s claim against Mr. Yamasaki appears to be predicated on a supervisory
12 liability theory – *i.e.*, that Mr. Yamasaki was a supervisor of Judge Clark but failed to take any
13 action against Judge Clark after Mr. Hiranek complained about Judge Clark’s conduct. See, *e.g.*,
14 *Starr v. Baca*, 652 F.3d 1202, 1207-08 (9th Cir. 2011) (noting that, in a § 1983 case, “[a] supervisor
15 can be liable in his individual capacity for his own culpable action or inaction in the training,
16 supervision, or control of his subordinates; for his acquiescence in the constitutional deprivation; or
17 for conduct that showed a reckless or callous indifference to the rights of others”). But that Mr.
18 Yamasaki was the Court or Chief Executive Officer, see SAC ¶ 9, does not in and of itself establish
19 that he was Judge Clark’s supervisor with respect to the alleged wrongful conduct. Similarly, even
20 if Mr. Yamasaki was the final policymaker for the Superior Court, see SAC ¶ 14, that too does not
21 establish that he was Judge Clark’s supervisor.

22 Furthermore, even if Mr. Yamasaki was in fact Judge Clark’s supervisor, there are other
23 deficiencies in the amended complaint. For example, Mr. Hiranek never alleges in the pleading
24 that he made a specific complaint to Mr. Yamasaki that Judge Clark was ordering deputies in the

25
26 ² The Court, however, does not agree with Mr. Hiranek’s suggestion that the place where
27 the alleged searches and seizures took place dictates whether Judge Clark was engaging in a judicial
28 or nonjudicial act. See, *e.g.*, SAC ¶ 64 (arguing that “Court security . . . in an area outside the
courtroom, and outside of the chambers, does not fall within the province, or function of judges,
including CLARK”). See *Lacey v. Maricopa*, 693 F.3d 896, 930-31 (9th Cir. 2012) (focusing on
whether a decision was made by a judge in a specific case over which he was presiding).

1 courthouse to conduct unwarranted searches or seizures. The closest that Mr. Hiranek comes to
2 such an allegation is in ¶ 106 of the amended complaint. There, Mr. Hiranek alleges that, on May
3 21, 2012, he wrote a letter to Mr. Yamasaki in which he recounted an incident involving, *inter alia*,
4 a detailed search of his property by a deputy in the courthouse and an unjustified chastisement by
5 another deputy. See SAC ¶ 106. Mr. Hiranek then states in the letter: “It appears that Judge
6 Clark is poisoning the deputy personnel against me.” SAC ¶ 106. But a claim that Judge Clark was
7 “poisoning” the deputies against Mr. Hiranek cannot be equated with a claim that Judge Clark
8 was *ordering* the deputies to take certain acts against Mr. Hiranek. Accordingly, Mr. Yamasaki
9 was not fairly put on notice of the alleged unconstitutional conduct of Judge Clark – at least based
10 on the allegations in the complaint. The complaint fails to state a claim for supervisory liability
11 under § 1983. See *Starr*, 652 F.3d at 1207-08. Cf., e.g., *Lemire v. California Dep’t of Corr. &*
12 *Rehab.*, No. 11-15475, 2013 U.S. App. LEXIS 16317, at *57 (9th Cir. Aug. 7, 2013) (in failure-to-
13 train case, noting that a supervisor is “liable only if on actual or constructive notice of the need to
14 train”).

15 The Court therefore dismisses with prejudice the claim against Mr. Yamasaki. The Court has
16 already afforded Mr. Hiranek an opportunity to amend the complaint.

17 c. Judge Loftus

18 Similar to above, Mr. Hiranek’s claim against Judge Loftus appears to be predicated on
19 supervisory liability but, as above, nothing in the amended complaint indicates that Judge Loftus –
20 even if he were the presiding judge of the Superior Court – was necessarily Judge Clark’s supervisor
21 with respect to the alleged wrongful conduct. Furthermore, even if Judge Loftus was in fact Judge
22 Clark’s supervisor by virtue of his being the presiding judge of the court, there are no allegations in
23 the amended complaint that Mr. Hiranek specifically informed Judge Loftus that Judge Clark was
24 ordering deputies in the courthouse to conduct unwarranted searches or seizures. Absent such
25 knowledge, Judge Loftus cannot be held liable under § 1983. See *Starr*, 652 F.3d at 1207-08.

26 The Court therefore dismisses with prejudice the claim against Judge Loftus.

27 ///

28 ///

1 d. County

2 Finally, for the County to be held liable under § 1983, Mr. Hirananeck “cannot rely solely on
3 respondeat superior liability. Instead, [he] must establish that ‘the local government had a deliberate
4 policy, custom, or practice that was the moving force behind the constitutional violation [they]
5 suffered.’” *AE v. County of Tulare*, 666 F.3d 631, 636 (9th Cir. 2012) (citing, *inter alia*, *Monell v.*
6 *Department of Soc. Servs.*, 436 U.S. 658, 691 (1978)). “A single constitutional deprivation
7 ordinarily is insufficient to establish a longstanding practice or custom.” *Christie v. Iopa*, 176 F.3d
8 1231, 1235 (9th Cir. 1999). There are “situations in which isolated constitutional violations are
9 sufficient to establish a municipal ‘policy.’” *Id.* For example, “a municipality can be liable for an
10 isolated constitutional violation when the person causing the violation has ‘final policymaking
11 authority.’” *Id.* Also, a municipality “can be liable for an isolated constitutional violation if the
12 final policymaker ‘ratified’ a subordinate’s actions” – *i.e.*, that the policymaker knew of the
13 constitutional violation and approved it. *Id.* at 1238. Finally, a municipality can be liable where the
14 final policymaker acted with deliberate indifference to the subordinate’s constitutional violation.
15 *See id.* at 1240.

16 Here, Mr. Hirananeck’s claim against the County is deficient for several reasons. First, his
17 theory seems to be that the County Council was the final policymaker for the County, which ratified
18 or was deliberately indifferent to the actions of the deputies (*i.e.*, unlawful searches or seizures). *See*
19 SAC ¶ 114. However, there are no allegations in his amended complaint (other than conclusory
20 ones to which the Court gives no weight under *Twombly* and *Iqbal*) that the County Council knew
21 that the deputies were engaging in unjustified searches and seizures. Indeed, the allegations in the
22 amended complaint indicate that Mr. Hirananeck at best gave notice to the Internal Affairs Unit for
23 the sheriff’s office. *See, e.g.*, SAC ¶¶ 81, 112, 168. Second, Mr. Hirananeck’s theory for holding the
24 County liable depends on the deputies being County actors rather than state actors, but, as this Court
25 has previously held, “state law establishes that sheriffs – and thus deputies as well – function as
26 representatives of the state and not the county when providing courtroom security services.” *Rojas*
27 *v. Sonoma County*, No. C-11-1358 EMC, 2011 U.S. Dist. LEXIS 122276, at *11 (N.D. Cal. Oct. 21,
28 2011).

1 Accordingly, the Court dismisses the claim against the County with prejudice.

2 2. California Constitution, article I, § 13

3 As for the unlawful search and seizure claim based on the California Constitution, the Court
4 finds that dismissal as to each of the defendants is justified for the following reasons.

5 First, as the Court noted in its prior order, the California Tort Claims Act (“CTCA”)
6 “requires a pre-litigation presentation of a claim for money damages” to the applicable public entity
7 before a claim can be brought for judicial review. Docket No. 19 (Order at 9). Here, Mr.
8 Hiranamek alleges that he made various complaints about the unlawful searches and seizures, but,
9 for the County at least, the amended complaint does not allege the administrative complaint was
10 directed to the appropriate person. *See* Cal. Gov’t Code § 915 (addressing delivery or mailing of
11 pre-litigation claim; providing, *e.g.*, that a claim may be made by delivering the claim to the clerk,
12 secretary, or auditor of the local public entity or by mailing it to the clerk, secretary, auditor, or
13 governing body of the local public entity). Furthermore, none of the complaints – except one –
14 alleges that he demanded money damages. Even as to the one complaint where Mr. Hiranamek
15 mentioned money damages, *see* SAC ¶ 89, the complaint did not “make it readily discernible . . .
16 that the intended purpose [of the communication] is to convey the assertion of a compensable claim
17 against the [public] entity *which, if not otherwise satisfied, will result in litigation.*” *Green v. State*
18 *Ctr. Comm. Coll. Dist.*, 34 Cal. App. 4th 1348, 1358 (1995) (emphasis added). Furthermore, for that
19 complaint, there is nothing to indicate that it was specifically about unlawful searches and seizures
20 orchestrated by Judge Clark. *See Stockett v. Association of Cal. Water Agencies Joint Power Ins.*
21 *Auth.*, 34 Cal. 4th 441, 447 (2004) (stating that, even if a claim were timely made, a complaint is still
22 “vulnerable . . . if it alleges a factual basis for recovery which is not fairly reflected in the written
23 claim”); *see also Stevenson v. San Francisco Hous. Auth.*, 24 Cal. App. 4th 269, 278 (1994)
24 (examining whether allegations made in the complaint were “based on a different set of facts from
25 those set out in the claim”; indicating that there is a “fatal variance between the claim and the
26 complaint” where there is a “complete shift in allegations, usually involving an effort to premise
27 civil liability on acts or omissions committed at different times or by different persons than those
28 described in the claim”).

1 Accordingly, the Court dismisses with prejudice the California constitutional claim.

2 3. Summary

3 **In sum, the Court finds that the only part of Count X that survives the § 1915(e)(2)**
4 **review is part of the § 1983 claim as pled against Judge Clark.** This ruling, of course, does not
5 bar Judge Clark from moving to dismiss the Count X claim pursuant to Federal Rule of Civil
6 Procedure 12(b)(6) whether, *e.g.*, on judicial immunity or other grounds.

7 D. Count XVII

8 As noted above, the Court strikes all amendments to Count XVII that were not permitted by
9 the Court’s prior order. Thus, at this juncture, Count XVII consists of an unlawful interrogation
10 claim brought by Mr. Hirananeek against (1) Judge Clark, Mr. Yamasaki, Judge Loftus, and the
11 County and (2) pursuant to 42 U.S.C. §§ 1983 and 1988 (the Fourth, Sixth, and Fourteenth
12 Amendments).

13 1. Judge Clark

14 Similar to above, the Court notes that, for some of the alleged misconduct, there are
15 insufficient factual allegations to support Mr. Hirananeek’s claim that the misconduct was directed
16 by Judge Clark. For example, for the incident that took place on June 29, 2012, Mr. Hirananeek
17 largely speculates that Judge Clark was the driving force behind his detention and interrogation. *See*
18 SAC ¶ 153 *et seq.* The mere fact that Judge Clark walked to a courthouse along with the deputies
19 who ultimately detained and interrogated him does not give rise to a plausible inference, as required
20 under *Twombly* and *Iqbal*, that Judge Clark ordered the detention and interrogation. Also, Mr.
21 Hirananeek has failed to make any factual allegations supporting his claim that, *e.g.*, Judge Clark
22 called Judge Arand or vice-versa to facilitate the detention and interrogation.

23 That being said, Mr. Hirananeek has made factual allegations to support his claim that Judge
24 Clark ordered deputies to act on other occasions, *e.g.*, on June 11, 2012, and January 15, 2013. *See,*
25 *e.g.*, SAC ¶ 143 (alleging that Deputy McChristian told Mr. Hirananeek that Judge Clark “was
26 behind the criminal persecution”); SAC ¶ 161 (alleging that Deputy Plett “confirmed that he was
27 following [Judge] CLARK’s directions”).

28

1 Accordingly, the Court concludes that Mr. Hiranek has adequately stated – at least in part
2 – a claim against Judge Clark for purposes of § 1915(e)(2) review.

3 2. Mr. Yamasaki

4 Like the Count X claim against Mr. Yamasaki, the Count XVII claim against Mr. Yamasaki
5 is based on a supervisory liability theory. And like the Count X claim, the Count XVII claim is
6 deficient because the mere fact that Mr. Yamasaki was the Court or Chief Executive Officer, *see*
7 SAC ¶ 9, does not in and of itself establish that he was Judge Clark’s supervisor. Also, even if Mr.
8 Yamasaki was the final policymaker for the Superior Court, *see* SAC ¶ 14, that is not enough to
9 establish that he was Judge Clark’s supervisor as to the alleged conduct in question.

10 Furthermore, even if Mr. Yamasaki was in fact Judge Clark’s supervisor, Mr. Hiranek
11 never alleges in the pleading – with one exception – that he made a specific complaint to Mr.
12 Yamasaki that Judge Clark was ordering deputies in the courthouse to conduct unlawful detentions
13 and interrogations. As to the one incident identified by Mr. Hiranek where he did complain to
14 Mr. Yamasaki (*i.e.*, the June 11, 2012, incident), the complaint failed to specify that the deputies
15 subjected him to questions *during a detention*. *See* SAC ¶ 166. An interrogation would only have
16 been potentially problematic if it had taken place during a detention. In short, there is no allegation
17 Mr. Yamasaki had notice of the wrongful conduct, and thus there is no supervisory liability under §
18 1983. *See Starr*, 652 F.3d at 1207-08.

19 The Court therefore dismisses the claim against Mr. Yamasaki with prejudice.

20 3. Judge Loftus

21 As above, Mr. Hiranek’s claim against Judge Loftus seems to be predicated on
22 supervisory liability but nothing in the amended complaint indicates that Judge Loftus was
23 necessarily Judge Clark’s supervisor. And even if Judge Loftus was in fact Judge Clark’s supervisor
24 (*e.g.*, because he was the presiding judge of the court), there are no nonconclusory allegations in the
25 amended complaint³ that Mr. Hiranek specifically informed Judge Loftus that Judge Clark was
26

27 ³ Mr. Hiranek makes at best conclusory allegations. *See, e.g.*, SAC ¶ 166 (alleging that
28 Mr. Hiranek complained to, *inter alia*, Judge Loftus but the specific complaint discussed
concerns a complaint to Mr. Yamasaki only).

1 ordering deputies in the courthouse to conduct unlawful detentions and interrogations. Again,
2 absent knowledge, there is no supervisory liability under § 1983.

3 The Court therefore dismisses with prejudice the claim against Judge Loftus.

4 4. County.

5 The analysis above with respect to Count X is largely applicable here as well. Accordingly,
6 the Court dismisses with prejudice the Count XVII claim against the County.

7 5. Summary

8 **In sum, the Court finds that the only part of Count XVII that survives the § 1915(e)(2)**
9 **review is part of the § 1983 claim as pled against Judge Clark.** This ruling, of course, does not
10 bar Judge Clark from moving to dismiss the Count XVII claim pursuant to Rule 12(b)(6) whether,
11 *e.g.*, on judicial immunity or other grounds.

12 E. Count XIX

13 As stated above, Mr. Hiranek did not have leave of the Court to include a new claim in the
14 amended complaint. Accordingly, this claim is dismissed without prejudice.

15 **II. CONCLUSION**

16 For the foregoing reasons, the Court finds that only some of Plaintiffs' amendments are
17 within the scope permitted by the Court's prior order and, as to those amendments, only the
18 following claims have survived § 1915(e)(2) review, namely:

- 19 (1) A disability discrimination claim brought by Ms. Hiranek against the Superior Court
20 pursuant to the ADA and California Civil Code § 51 only.
- 21 (2) An unlawful search and seizure claim brought by Mr. Hiranek against Judge Clark
22 pursuant to § 1983 (First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments).
- 23 (3) An unlawful interrogation claim brought by Mr. Hiranek against Judge Clark pursuant to
24 § 1983 (Fourth, Sixth, and Fourteenth Amendments).

25 **The Court orders the U.S. Marshal to serve the following documents on the Superior**
26 **Court and Judge Clark: the original complaint (Docket No. 1), the Court's order granting**
27 **Plaintiffs' in forma pauperis application (Docket No. 19), the Court's order denying Plaintiffs'**
28


1 motion for reconsideration (Docket No. 36), the second amended complaint (Docket No. 37),
2 and this order.

3 Per the Clerk's notice of August 27, 2013, there shall be a case management conference
4 in this case on November 21, 2013, at 9:00 a.m. A *joint* case management conference statement
5 must be filed by November 14, 2013.

6 Plaintiffs are not to file any motion, including a motion for leave to file an amended
7 complaint, until *after* the Superior Court and Judge Clark have made an appearance in this
8 case and the case management conference is held on November 21, 2013.

9
10 IT IS SO ORDERED.

11
12 Dated: September 3, 2013

13
14 
15 EDWARD M. CHEN
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28