

-----Forwarded by EMC CRD/CAND/09/USCOURTS on 11/12/2013 01:34PM -----

To: "emccrd@cand.uscourts.gov" <emccrd@cand.uscourts.gov>
From: H <hiramane2@yahoo.com>
Date: 11/12/2013 12:46PM
Subject: FORWARDING prior emails-->Fw: 3rd REMINDER Fw: URGENT---> 13-0228-EMC

Hi,

Per Ms. Leni's request, I am forwarding my prior emails to your provided/designated address

Look forward to a timely response.

Thank you
Adil Hirananeek
408 673 7560

This email transmission contains confidential information which is legally privileged and constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. CIRCULATION OF THIS EMAIL TO ANYONE IS STRICTLY PROHIBITED. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication. If you are not the intended recipient, TAKE NOTICE any disclosure, copying, distribution or the taking or not taking of any action in reliance on the content of the information is STRICTLY PROHIBITED

----- Forwarded Message -----
From: H <hiramane2@yahoo.com>
To: "Betty_P_Lee@cand.uscourts.gov" <Betty_P_Lee@cand.uscourts.gov>;

"Sheila_Rash@cand.uscourts.gov" <Sheila_Rash@cand.uscourts.gov>
Sent: Saturday, November 9, 2013 8:01 AM
Subject: 3rd REMINDER Fw: URGENT---> 13-0228-EMC

Hi Ms. Betty,

Besides my prior email, I left you a voice mail as well.

Please respond

Txs
Adil Hirananeck

This email transmission contains confidential information which is legally privileged and constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. CIRCULATION OF THIS EMAIL TO ANYONE IS STRICTLY PROHIBITED. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication. If you are not the intended recipient, TAKE NOTICE any disclosure, copying, distribution or the taking or not taking of any action in reliance on the content of the information is STRICTLY PROHIBITED

----- Forwarded Message -----

From: H <hiramane2@yahoo.com>
To: "Betty_P_Lee@cand.uscourts.gov" <Betty_P_Lee@cand.uscourts.gov>;
"Sheila_Rash@cand.uscourts.gov" <Sheila_Rash@cand.uscourts.gov>
Sent: Wednesday, November 6, 2013 3:21 PM
Subject: Fw: URGENT---> 13-0228-EMC

Dear Ms. Betty,

I forgot to add that the delay in preventing us from filing an amended complaint also implicates the statute of limitations period and our right to file a cause of action within the statute of limitation time period. You may also want to bring this up with Judge Chen.

Thank you

Adil Hirananeek
408 673 7560

This email transmission contains confidential information which is legally privileged and constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. CIRCULATION OF THIS EMAIL TO ANYONE IS STRICTLY PROHIBITED. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication. If you are not the intended recipient, TAKE NOTICE any disclosure, copying, distribution or the taking or not taking of any action in reliance on the content of the information is STRICTLY PROHIBITED

----- Forwarded Message -----

From: H <hiramane2@yahoo.com>
To: "Betty_P_Lee@cand.uscourts.gov" <Betty_P_Lee@cand.uscourts.gov>;
"Sheila_Rash@cand.uscourts.gov" <Sheila_Rash@cand.uscourts.gov>
Sent: Wednesday, November 6, 2013 3:15 PM
Subject: URGENT---> 13-0228-EMC

Dear Ms. Betty,

We are caught between a "hard and a rock place" scenario and require Judge Chen's guidance.

We (plaintiffs) do not want to lose our rights to file a AMENDED complaint pursuant to FRCP Rule 15(a)(1)(B) which allows until 21 days after service of a Rule 12(b) motion. The latter was filed on Oct. 21, 2013 and 21 days from it expires on NOVEMBER 11, 2013. We have a Motion ready for filing to Amend our complaint.

However, on the flip side, we note that Judge Chen, contrary to the rule and statute has forbidden us to file a motion until the new CMC date of Dec. 12, 2013--See Judge Chen's Order, Doc. #39 at page 12 verbatim below.

"Plaintiffs are not to file any motion, including a motion for leave to file an amended

complaint, until **after the Superior Court and Judge Clark have made an appearance in this** case and the case management conference is held on November 21, 2013"

We need Judge Chen's guidance on whether he is going to hold FRCP Rule 15(a)(1)(B) against us or grant us leave to amend after Dec. 12, 2013???

We sought written consent from opposing counsel to agree to leave to amend and they are refusing.

We are trapped between the two contradictory time deadlines. Please help. The Nov. 11, 2013 deadline is only 2 court days away.

Also, we do not know when Defendants were served as there is no proof of service filed. We cannot calculate time deadlines because of this absence of information.

Thank you
Adil Hiranmanek

—
This email transmission contains confidential information which is legally privileged and constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. CIRCULATION OF THIS EMAIL TO ANYONE IS STRICTLY PROHIBITED. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication. If you are not the intended recipient, TAKE NOTICE any disclosure, copying, distribution or the taking or not taking of any action in reliance on the content of the information is STRICTLY PROHIBITED

