

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 HIRAMANNEK, et al.,
Plaintiffs,
v.
RICHARD LOFTUS, et al.,
Defendants.

Case No. [3:13-cv-00228-JD](#)

**ORDER RE
RECONSIDERATION**

Re: Dkt. Nos. 768, 767

Pro se plaintiffs Adil and Roda Hirananeek (“Hirananeek”) have filed a motion for reconsideration of Judge Ronald M. Whyte’s order denying plaintiffs’ motion for a new trial, Dkt. No. 768, and an administrative motion for leave to file excess pages in the reconsideration motion, Dkt. No. 767. The motions are denied.

Adil Hirananeek has been declared a vexatious litigant in the United States District Court for the Northern District of California and in the California state court system. *Hirananeek v. California Judicial Council, et al.*, Case No. 5:15-cv-4377-RMW, Dkt. No. 34 (N.D. Cal. Oct. 31, 2016) (“Vexatious Litigant Order”); Dkt. No. 732-4, Exh. A. He has consistently engaged in frivolous motion practice, imposing significant unnecessary costs on many adverse parties and a needless burden on the courts. Vexatious Litigant Order at 17. In this action alone, Hirananeek has filed 91 motions, all of which have been denied. Many of those motions substantially exceed the page limits imposed by the local rules. These facts provide important context to the currently pending motions.

Hirananeek’s oversize motion for reconsideration, Dkt. No. 768, is frivolous and fails to comply with the Local Rules. Hirananeek has violated Civil Local Rule 7-9(a) by filing a motion for reconsideration without first obtaining leave of Court. The motion could properly be denied on that basis alone. The motion also flouts Local Rule 7-9(c) by repeating several arguments

1 Hiranek made in the prior unsuccessful motion for a new trial, including inflammatory
2 accusations against Judge Whyte that lack any evidentiary support whatsoever. *See* Dkt. No. 712
3 at 24; Dkt. No. 768 at 2. In addition, Hiranek fails to raise a proper basis for reconsideration.
4 Contrary to Hiranek's assertion, there has been no emergence of any material fact since the
5 entry of Judge Whyte's order denying a new trial. Dkt. No. 768 at 2. Hiranek says he recently
6 discovered that Judge Whyte, while in private practice in the 1970's and 1980's, sometimes
7 represented Santa Clara County. *Id.* But that fact is wholly immaterial to any of the issues
8 addressed in Judge Whyte's order denying Hiranek's motion for a new trial. Nor has there
9 been a manifest failure to consider any material facts or dispositive legal arguments previously
10 presented to the Court. Nearly all of the "facts" and legal arguments referenced in Hiranek's
11 motion are simply disagreements with rulings made by Judge Whyte in the underlying trial, and
12 are rehashed versions of arguments presented in Hiranek's motion for a new trial. *See*
13 *generally* Dkt. No. 712; Dkt. No. 768. The remainder, generally, are allegations that Judge
14 Whyte's order denying a new trial was "fraudulently engineer[ed]," that the same order somehow
15 defamed Hiranek, and that this entire case has been "rigged" against Mr. Hiranek. Dkt. No.
16 768 at 34. These wholly unsubstantiated arguments are frivolous, and the motion for
17 reconsideration is denied.

18 Hiranek's motion for leave to file an overlong motion for reconsideration, Dkt. No. 767,
19 is also denied. Hiranek argues that the existence of "about 50 errors" in Judge Whyte's order
20 denying a new trial -- which, Hiranek argues, was actually "engineered/authored" by
21 Defendants" -- necessitates the excess pages. *Id.* at 1. But the Court has reviewed Hiranek's
22 motion for reconsideration, Dkt. No. 68, as well as Judge Whyte's order denying a new trial, Dkt.
23 No. 758, and concludes that Hiranek's motion does not identify *any* proper bases (much less 50

24 //

25 //

26 //

27 //

28 //

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

of them) for reconsideration of Judge Whyte’s order. Hiramaneek’s motion for leave is consequently denied.

IT IS SO ORDERED.

Dated: November 15, 2016



JAMES DONATO
United States District Judge