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16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 THE BANK OF NEW YORK MELLON (f/k/a The
 Bank of New York) and THE BANK OF NEW
 19 YORK MELLON TRUST COMPANY, N.A. (f/k/a
 The Bank of New York Trust Company, N.A.), as
 20 Trustees; U.S. BANK NATIONAL ASSOCIATION,
 21 as Trustee; and WILMINGTON TRUST COMPANY
 and WILMINGTON TRUST, NATIONAL
 22 ASSOCIATION, as Trustees,

23 Plaintiffs,

24 v.

25 CITY OF RICHMOND, CALIFORNIA, a
 municipality; RICHMOND CITY COUNCIL;
 26 MORTGAGE RESOLUTION PARTNERS LLC, a
 Delaware limited liability company; and
 27 GORDIAN SWORD LLC, a Delaware limited
 liability company,

28 Defendants.

Case No. CV-13-3664-CRB

**[PROPOSED] ORDER GRANTING
 MOTION FOR RULE 11 SANCTIONS**

Date: December 13, 2013

Time: 10:00 a.m.

Judge: Honorable Charles R. Breyer
 Courtroom 6, 17th Floor

1 On December 13, 2013, the parties appeared for a hearing on the Motion for Rule 11
2 Sanctions filed by Defendants. Based upon all papers on file with the Court and the arguments of
3 counsel, the Court grants the motion for sanctions.

4 A district court may impose sanctions under Federal Rule of Civil Procedure 11 upon an
5 attorney who files a frivolous pleading with the court. A reasonable and competent inquiry would
6 have revealed that the claims asserted by Plaintiffs' Second Amended Complaint are legally
7 baseless because they seek to challenge legislative action that has not yet occurred, and may not
8 occur, and so they are constitutionally unripe. Accordingly, these claims are frivolous, and the
9 imposition of Rule 11 sanctions is appropriate. The Court further concludes that the pleading was
10 filed for an improper purpose and so sanctions are appropriate on that ground as well.

11 The Court finds that the non-monetary and monetary sanctions requested by Defendants
12 are warranted to deter future Rule 11 violations of this nature by Plaintiffs, Plaintiffs' counsel and
13 others. The claims asserted by Plaintiffs in the Second Amended Complaint are hereby dismissed
14 with prejudice. Plaintiffs and Plaintiffs' counsel are ordered to pay _____ in reasonable
15 attorneys' fees and expenses incurred by counsel for Defendants for (1) reviewing the Second
16 Amended Complaint and materials related to this case; (2) drafting, filing, briefing, and arguing its
17 Motion to Dismiss and accompanying papers; and (3) drafting, filing, briefing, and arguing the
18 present motion.

19 IT IS SO ORDERED.

20
21 Dated: _____

22
23 _____
24 HON. CHARLES R. BREYER
25 UNITED STATES DISTRICT JUDGE
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