

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3

4 DAVID GIANNINI, individually and  
5 on behalf of all others similarly  
6 situated and in the interest of  
7 the general public of the State  
8 of California,

9 Plaintiff,

10 v.

11 NORTHWESTERN MUTUAL LIFE  
12 INSURANCE COMPANY, a Wisconsin  
13 company; NORTHWESTERN MUTUAL -  
14 SAN FRANCISCO BAY AREA GROUP,  
15 INC., a California corporation;  
16 and JOHN GOODENOUGH, an  
17 individual,

18 Defendant.

No. C 12-77 CW

ORDER DENYING  
MOTION FOR  
SANCTIONS (Docket  
No. 40)

United States District Court  
For the Northern District of California

19 \_\_\_\_\_/  
20 Defendant Northwestern Mutual Life Insurance Company moves  
21 for sanctions against Plaintiff David Giannini. Defendant  
22 contends that Plaintiff's second, fourth, fifth, sixth and ninth  
23 causes of action were frivolous and improperly asserted, and seeks  
24 dismissal of the claims and monetary sanctions against Plaintiff.

25 Plaintiff opposes the motion, contending that sanctions are  
26 unwarranted. Among other things, Plaintiff notes that he had  
27 requested that Defendant stipulate to dismissal of the fourth,  
28 fifth and ninth causes of action prior to its filing of the  
instant motion, and asks the Court to dismiss these claims without  
prejudice. Plaintiff also seeks monetary sanctions against  
Defendant for filing the motion for sanctions.

Having considered the papers filed by the parties, the Court  
DENIES the parties' requests for sanctions against one another.

1 The Court dismisses without prejudice Plaintiff's fourth, fifth  
2 and ninth causes of action.

3 As to Plaintiff's second and sixth causes of action, the  
4 essence of Defendant's argument is that Plaintiff will not be able  
5 to prove ultimately the merits of his claims. Defendant may renew  
6 its motion for sanctions as to the second and sixth causes of  
7 action in its summary judgment motion, which presently is  
8 scheduled to be filed on October 18, 2012.

9 IT IS SO ORDERED.

10  
11 Dated: 9/11/2012

  
12 CLAUDIA WILKEN  
13 United States District Judge  
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