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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANOOP RAJKUMAR,
Plaintiff,
v.
CISCO SYSTEMS, INC., et al.,
Defendants.

Case No.: C 08-1600 PVT
**ORDER DENYING DEFENDANT MOHTA’S
MOTION FOR RULE 11 SANCTIONS**

On April 17, 2009, Defendant Naval Mohta filed a motion for sanctions, arguing that Plaintiff’s complaint is devoid of evidentiary support and not warranted by law. Plaintiff opposed the motion. The court took the motion under submission at the hearing of May 26, 2009. Based on the briefs and arguments submitted,

IT IS HEREBY ORDERED that Defendant Mohta’s motion for sanctions is DENIED.

There is a “strong presumption is against the imposition of sanctions for invoking the processes of the law.” *See Talamini v. All-State Insurance Co.*, 470 U.S. 1067, 1072 (1985). As Justice Stevens explained:

“Freedom of access to the courts is a cherished value in our democratic society. Incremental changes in settled rules of law often result from litigation. The courts provide the mechanism for the peaceful resolution of disputes that might otherwise give rise to attempts at self-help. There is, and should be, the strongest presumption of open access to all levels of the judicial system. Creating a risk that the invocation of the judicial process may give rise to punitive sanctions simply because the

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litigant’s claim is unmeritorious could only deter the legitimate exercise of the right to seek a peaceful redress of grievances through judicial means.”

The court does not doubt that Plaintiff sincerely believes his allegations against Defendants. This is not a case where a litigant brings a frivolous lawsuit for improper purposes or in bad faith. Thus, sanctions are unwarranted.

Dated: 10/9/09


PATRICIA V. TRUMBULL
United States Magistrate Judge

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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

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