

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
28E-filed on: 6/16/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CAROLYN H. FRIIS,
Judgment Creditor,
v.
CITY OF SAN JOSÉ,
Judgment Debtor.

No. Misc-08-80027 RMW

ORDER DENYING SAN JOSE'S MOTION
TO VACATE AND GRANTING SAN JOSE'S
MOTION TO STRIKE

[Re Docket Nos. 3, 13]

The City of San Jose moves to vacate, strike and seal various filings lodged by Carolyn H. Friis that purport to be judgments against the City. Friis opposes the motion.¹ The court has reviewed the papers and considered the arguments of counsel. For the following reasons, the court grants the motion to strike the filings.

I. BACKGROUND

On March 6, 2008, Carolyn Friis filed with the court notices of a "foreign judgment" and an "apostilled judgment" against the City of San Jose in the amount of \$8,000,000 and permitting Friis

¹ On September 11, 2008, Friis filed a "petition to abate motion" which the court construes as an opposition to the City's motion.

1 to make additional claims of \$1,000,000 against San Jose if "the City of San Jose or any Agents
2 again approach, harass, or intimidate Ms Friis and her friends without a lawful Order supported by a
3 sworn Affidavit." *See* Docket Nos. 1, 2.

4 The dispute between Friis and the City appears to arise from the City's routine attempts to
5 enforce building code provisions and inspect Friis's property. The City obtained an inspection
6 warrant on November 2, 2007. Young Decl. ¶ 2 & Ex. B. The City searched Friis's property on
7 November 14, 2007 and cited her. *Id.* ¶ 3 & Ex. C. The City has attempted to resolve these issues,
8 but it appears that Friis has not complied with the citation or brought her property up to code. *See*
9 *id.* ¶¶ 4, 6.

10 Instead, Friis has notarized a "certificate of protest / judgment" that appears to be based on
11 the City's failure to contest an affidavit that she sent to the City in which Friis disputed that the City
12 possessed the authority to search her property. The "judgment" states that "an affidavit sworn true,
13 correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted
14 point for point by counter affidavit sworn or affirmed true, correct, complete certain, and not
15 misleading." *See* Docket No. 1 ¶ p. The "judgment" reasons further that "in Commerce, Truth is
16 sovereign," that "an un-rebutted Affidavit stands as Truth in Commerce," and that "no more than an
17 affidavit is necessary to make the prima facie case." Since "silence is equated to agreement and
18 acceptance," the City's failure to respond to Friis's affidavit led the City to default in Friis's eyes.
19 Therefore, Friis entered "judgment" against the City for millions of dollars.

20 **II. ANALYSIS**

21 A judgment entered in any court of appeals, district court, bankruptcy court, or in the Court
22 of International Trade may be registered in any other district. 28 U.S.C. § 1963. The court may not
23 register judgments from any court that is not listed in section 1963. *Euro-American Coal Trading,*
24 *Inc. v. James Taylor Mining, Inc.*, 431 F. Supp. 2d 705, 708-09 (E.D. Ky. 2006); *see Fox Painting*
25 *Co. v. N.L.R.B.*, 16 F.3d 115, 116 (6th Cir. 1994). Accordingly, the federal courts lack the power to
26
27
28

