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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAMES MCGIBNEY, et al.,  
Plaintiffs,  
v.  
THOMAS RETZLAFF,  
Defendant.

Case No. [14-cv-01059-BLF](#)

**ORDER DENYING MOTION FOR  
SANCTIONS AND MOTION TO SEAL  
JUDICIAL RECORDS**

[Re: ECF 175, 185, 186]

The “Motion for Rule 11 Sanctions” filed by *pro se* defendant Thomas Retzlaff, ECF 175, is DENIED.<sup>1</sup> The Court has fully considered the matter and concludes that Rule 11 sanctions are inappropriate under the circumstances of this case, where the Court determined that Plaintiffs had not satisfied their evidentiary burden to establish this Court’s personal jurisdiction over Defendant. Based on the dismissal of this case for lack of personal jurisdiction, the Court cannot conclude that Plaintiffs violated Rule 11 at the time that Plaintiffs’ counsel signed the pleadings, motions, or other papers in this case. Fed. R. Civ. P. 11(a)-(b); *Cunningham v. Cnty. of Los Angeles*, 879 F.2d 481, 490 (9th Cir. 1988) (Rule 11 applies at initial signing of pleadings, motions, or other papers). Nor is the Court persuaded by Defendant’s request for sanctions pursuant to the Court’s inherent power and 28 U.S.C. § 1927. In light of the large volume of filings and accusations that *both* sides have launched against each other (much of which, as the Court repeatedly admonished, was largely irrelevant to the issues and stricken as such), the Court cannot conclude that Plaintiffs acted in bad faith or that Plaintiffs’ counsel “multiplie[d] the proceedings” in this case “unreasonably and vexatiously.” 28 U.S.C. § 1927.

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<sup>1</sup> Plaintiffs’ motion to strike Defendant’s motion, ECF 177, is DENIED as moot.

