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Kevin Vanginderen, Plaintiff Pro Per  
637 Third Ave., Suite E1  
Chula Vista, CA 91910  
Telephone: (619) 585-7414

FILED  
2008 JUN -4 AM 9:16  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY (WJ) DEPUTY


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KEVIN VANGINDEREN,  
Plaintiff,  
v.  
CORNELL UNIVERSITY,  
BERT DEIXLER,  
Defendant.

Case No. 08-CV-00736-BJA/JMA  
Hon. Barry T. Moskowitz  
REQUEST FOR LEAVE TO  
AMEND COMPLAINTS  
Hearing Date: July 3, 2008  
Time: 11:00 a.m.  
Place: Courtroom 15

Whereas, the Plaintiff in the above captioned matter has discovered a transcription error of the dates of the actual tortious activities in the second, third, fifth, sixth, ninth and tenth count of the causes of action in the above matter, he hereby requests leave to amend to substitute the attached causes of action for the originals. The only changes made are the dates of the torts from both November 2, 2007, and December 12, 2007, to December 14, 2007.

Dated: June 3, 2008

  
Kevin Vanginderen, Plaintiff in pro per

CR

2nd

(number)

## CAUSE OF ACTION - Intentional Tort

Page 5ATTACHMENT TO  Complaint  Cross-Complaint*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Kevin Vanginderen

alleges that defendant (name): Cornell University and Bert Deixler

 Does \_\_\_\_\_ to \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): December 14, 2007,

at (place): United States District Court, Southern District of California and everywhere the Internet is available

(description of reasons for liability):

On March 8, 1983, Barbara Bourne, an employee and agent of the Defendant Cornell University, wrote defamatory and libelous statements about the plaintiff which she communicated to other individuals. A report written by Ms. Bourne on that date alleged that the plaintiff was responsible for fifteen separate crimes although she had never ascertained that fifteen individual crimes had ever occurred, nor did she ever possess a scintilla of evidence that the plaintiff was responsible for even half that number of alleged incidents.

On December 14, 2007, Defendant Bert Deixler acting as an agent of Defendant Cornell University republished this report onto the Internet by submitting it to United States District Court, Southern District of California, with the knowledge, intent and purpose that it would immediately appear world wide upon the the Justia.com Web site. The defendants were aware at the time of submission to the court file that the libelous report was both defamatory and inadmissible as evidence.

As a result of the defendants' tortious actions of Libel, the plaintiff has suffered extreme emotional distress, a loss of reputation and a loss of income from the conduct of the defendants and requests general and punitive damages in the amount of \$1,000,000.

3rd

(number)

**CAUSE OF ACTION - Intentional Tort**Page 6ATTACHMENT TO  Complaint  Cross-Complaint*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Kevin Vanginderen

alleges that defendant (name): Bert Deixler and Cornell University.

 Does \_\_\_\_\_ to \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): December 14, 2007

at (place): United States District Court, Southern District of California and everywhere the Internet is available

(description of reasons for liability):

On December 14, 2007, Defendant Bert Deixler acting as an agent of Defendant Cornell University declared in writing that the Plaintiff was charged in connection with fifteen separate crimes although he had never ascertained that fifteen individual crimes had ever occurred, nor did he ever possess a scintilla of evidence that the plaintiff was responsible for even half that number of alleged incidents. Defendant Bert Deixler subsequently republished his libelous statement onto the Internet by submitting it to United States District Court, Southern District of California, with the knowledge, intent and purpose that it would immediately appear world wide upon the the Justia.com Web site.

As a result of the defendants' tortious actions of Libel, the plaintiff has suffered extreme emotional distress, a loss of reputation and a loss of income from the conduct of the defendants and requests general and punitive damages in the amount of \$1,000,000.

ATTACHMENT TO  Complaint  Cross-Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Kevin Vanginderen

alleges that defendant (name): Cornell University and Bert Deixler

Does \_\_\_\_\_ to \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date): December 14, 2007,  
at (place): United States District Court, Southern District of California and everywhere the Internet is available  
(description of reasons for liability):

On March 8, 1983, Barbara Bourne, an employee and agent of the Defendant Cornell University, wrote false statements about the plaintiff that portrayed the plaintiff in a false light which she communicated to other individuals. A report written by Ms. Bourne on that date alleged that the plaintiff was responsible for fifteen separate crimes although she had never ascertained that fifteen individual crimes had ever occurred, nor did she ever possess a scintilla of evidence that the plaintiff was responsible for even half that number of alleged incidents.

On December 14, 2007, Defendant Bert Deixler acting as an agent of Defendant Cornell University republished this report onto the Internet by submitting it to United States District Court, Southern District of California, with the knowledge, intent and purpose that it would immediately appear world wide upon the the Justia.com Web site. The defendants were aware at the time of submission to the court file that the false statements in the report portrayed the plaintiff in a false light and was inadmissible as evidence.

As a result of the defendants' tortious actions of Placing Plaintiff in False Light, the plaintiff has suffered extreme emotional distress, a loss of reputation and a loss of income from the conduct of the defendants and requests general and punitive damages in the amount of \$1,000,000.

6th

(number)

**CAUSE OF ACTION - Intentional Tort**Page 9ATTACHMENT TO  Complaint  Cross-Complaint*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Kevin Vanginderen

alleges that defendant (name): Bert Deixler and Cornell University

 Does \_\_\_\_\_ to \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): December 14, 2007

at (place): United States District Court, Southern District of California and everywhere the Internet is available

(description of reasons for liability):

On December 14, 2007, Defendant Bert Deixler acting as an agent of Defendant Cornell University wrote a false statement about the plaintiff that portrayed the plaintiff in a false light when he declared in writing that the Plaintiff was charged in connection with fifteen separate crimes although he had never ascertained that fifteen individual crimes had ever occurred, nor did he ever possess a scintilla of evidence that the plaintiff was responsible for even half that number of alleged incidents. Defendant Bert Deixler subsequently republished his false statement onto the Internet by submitting it to United States District Court, Southern District of California, with the knowledge, intent and purpose that it would immediately appear world wide upon the the Justia.com Web site.

As a result of the defendants' tortious actions of Placing Plaintiff in False Light, the plaintiff has suffered extreme emotional distress, a loss of reputation and a loss of income from the conduct of the defendants and requests general and punitive damages in the amount of \$1,000,000.

ATTACHMENT TO  Complaint  Cross-Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Kevin Vanginderen

alleges that defendant (name): Cornell University and Bert Deixler

Does \_\_\_\_\_ to \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date): December 14, 2007,  
at (place): United States District Court, Southern District of California  
(description of reasons for liability):

On December 14, 2007, Defendant Bert Deixler acting as an agent of Defendant Cornell University published previously sealed records pertaining to the plaintiff into a public forum by submitting them to United States District Court, Southern District of California with the knowledge that the majority of these records are inadmissible on grounds of privacy, attorney client privilege, and lack of authenticity and/or relevance.

As a result of the defendants' tortious actions of Intrusion Into Private Affairs by disclosing private and privileged information dating back over twenty four years, the plaintiff has suffered extreme emotional distress, a loss of reputation and a loss of income from the conduct of the defendants and requests general and punitive damages in the amount of \$1,000,000.

10th

(number)

**CAUSE OF ACTION - Intentional Tort**Page 13ATTACHMENT TO  Complaint  Cross-Complaint*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Kevin Vanginderen

alleges that defendant (name): Cornell University and Bert Deixler

 Does \_\_\_\_\_ to \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): December 14, 2007,

at (place): United States District Court, Southern District of California and everywhere the Internet is available

(description of reasons for liability):

On December 14, 2007, Defendant Bert Deixler acting as an agent of Defendant Cornell University republished previously sealed records pertaining to the plaintiff into a public forum by submitting them to United States District Court, Southern District of California with the knowledge, intent and purpose that it would immediately appear world wide upon the the Justia.com Web site and with the knowledge that the majority of these records are inadmissible on grounds of privacy, attorney client privilege, and lack of authenticity and/or relevance.

As a result of the defendants' tortious actions of Intrusion Into Private Affairs for disclosing and publishing upon the Internet private and privileged information dating back over twenty four years, the plaintiff has suffered extreme emotional distress, a loss of reputation and a loss of income from the conduct of the defendants and requests general and punitive damages in the amount of \$1,000,000.

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing \_\_\_\_\_ and know its contents.

CHECK APPLICABLE PARAGRAPHS

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner a of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

PROOF OF SERVICE

1013a (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF San Diego

I am employed in the county of San Diego, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 637 Third Avenue, Suite E-1, Chula Vista, CA 91910

On, June 4, 2008 I served the foregoing document described as A copy of the Plaintiff's Request for Leave to Amend Complaints

on Defendant Attorneys in this action

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

X by placing the original X a true copy thereof enclosed in sealed envelopes addressed as follows:

Clifford Davidson, Esq., Proskauer Rose LLP, 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206

Nelson Roth, Esq., Office of University Counsel, 300 CCC Building, Garden Ave., Ithaca, New York 14853

BY MAIL

X I deposited such envelope in the mail at Post Office, Third Avenue, Chula Vista, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California.

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Juan Ramirez

Type or Print Name

Signature

\*BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG

\*(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

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