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Vanginderen v. Cornell University

Libel claim - claims university's digitization of campus newspaper constituted "re-publication" thus reviving claim that would ordinarily be extinguished over twenty years ago. Disclosure of private facts claim.

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Tags: cornell, defamation, disclosure private facts, libel, library, privacy, publication, single publication rule

Plaintiff: Kevin Vanginderen

Defendant: Cornell University

Case Number: 3:2007cv02045

Filed: October 29, 2007

Court: California Southern District Court

Office: San Diego Office [[Court Info](#)]

County: San Diego

Presiding Judge: Judge Barry Ted Moskowitz

Referring Judge: Magistrate Judge Jan M. Adler

Nature of Suit: Torts - Injury - Assault, Libel, and Slander

Cause: 28:1441 Petition for Removal Libel,Assault,Slander

Jurisdiction: Diversity

Jury Demanded By: None

Date Filed	#	Docket Text
October 29, 2007	<u>1</u>	NOTICE OF REMOVAL as to Kevin Vanginderen from San Diego Superior Court, case number 37-2007-00076496-CU-DF-SC. (Filing fee \$ 350 Receipt number 143754), filed by Cornell University. t/w Notice of Party with Financial Interest.(pdc)(bar). (Entered: October 29, 2007)
October 29, 2007	<u>2</u>	NOTICE of Party With Financial Interest by Cornell University. (vet) (Entered: October 30, 2007)
October 30, 2007	<u>3</u>	CERTIFICATE OF SERVICE by Cornell University (Davidson, Clifford) Modified on 11/1/2007 - atty not associated w/ party and signature is in incorrect format, atty contacted (vet,). (Entered: October 30, 2007)

October 31, 2007	<u>4</u>	PRO HAC VICE APPOINTED: Charles S. Sims appearing for Defendant Cornell University (mkz)(mam). (Entered: October 31, 2007)
November 1, 2007	<u>5</u>	NOTICE of Appearance by Nelson Eugene Roth on behalf of Cornell University (Roth, Nelson) (vet,). (Entered: November 1, 2007)
November 1, 2007	<u>6</u>	NOTICE of Appearance by Clifford Scott Davidson on behalf of Cornell University (Davidson, Clifford) (vet,). (Entered: November 1, 2007)
November 2, 2007	<u>7</u>	MOTION to Strike Plaintiff's Complaint by Cornell University. (Attachments: # 1 Memo of Points and Authorities Memorandum of Points and Authorities in Support of Defendant's Special Motion to Strike Plaintiff's Complaint Pursuant to Cal. Code Civ. Pro. sec. 425.16)(Deixler, Bert) (vet,). (Entered: November 2, 2007)
November 2, 2007	<u>8</u>	NOTICE: Request for Judicial Notice in support re 7 MOTION to Strike Plaintiff's Complaint by Cornell University (Attachments: # 1 Exhibits in Support of Special Motion to Strike# 2 Declaration of Valerie Cross Dorn in Support of Request for Judicial Notice# 3 Declaration of Anne Richardson Kenney in Support of Defendant's Request for Judicial Notice)(Deixler, Bert) Modified on 11/5/2007 - edited text (vet,). (Entered: November 2, 2007)
November 2, 2007	<u>9</u>	CERTIFICATE OF SERVICE by Cornell University re 7 MOTION to Strike Plaintiff's Complaint, 8 Notice (Other) (Deixler, Bert) Modified on 11/5/2007 - edited text (vet,). (Entered: November 2, 2007)
November 7, 2007	<u>10</u>	DECLARATION of Valerie Cross Dorn in further support re 8 Notice: Request for Judicial Notice by Defendant Cornell University. (Attachments: # 1 Corrected exhibit D)(Davidson, Clifford) Modified on 11/8/2007 - edited text (vet,). (Entered: November 7, 2007)
November 7, 2007	<u>11</u>	CERTIFICATE OF SERVICE by Cornell University re 10 Declaration of Valerie Cross Dorn (Davidson, Clifford) Modified on 11/8/2007 - edited text (vet,). (Entered: November 7, 2007)
November 21, 2007	<u>12</u>	Memorandum of Points and Authorities in Opposition re 7 MOTION to Strike Plaintiff's Complaint filed by Kevin Vanginderen. (Attachments: # 1 Affidavit of Kevin Vanginderen in support of memorandum of points and authorities)(vet) (Entered: November 26, 2007)
December 12, 2007	<u>13</u>	NOTICE of Supplemental Request for Judicial Notice by Cornell University re 7 MOTION to Strike Plaintiff's Complaint (Attachments: # 1 Exhibit Exhibit E# 2 Exhibit Exhibit F# 3 Declaration Declaration of Nelson E. Roth in Support of Supplemental Request for Judicial Notice)(Deixler, Bert) Modified on 12/12/2007 at request of atty to add document text (mjj,) (Entered: December 12, 2007)
December 12, 2007	<u>14</u>	CERTIFICATE OF SERVICE by Cornell University re 13 Notice (Other), Notice (Other) Supplemental Request for Judicial Notice (Deixler, Bert) (vet,). (Entered: December 12, 2007)
December 14, 2007	<u>15</u>	REPLY to Response to Motion re 7 MOTION to Strike Plaintiff's Complaint filed by Cornell University. (Deixler, Bert) (vet,). (Entered: December 14, 2007)
December 14, 2007	<u>16</u>	DECLARATION of Simeon F. Moss in support re 15 Reply to Response to Motion to Strike Plaintiff's Complaint Pursuant to Section 425.16 of the California Code of Civil Procedure by Defendant Cornell University. (Deixler, Bert) Modified on 12/17/2007 - edited text (vet,). (Entered: December 14, 2007)
December 14, 2007	<u>17</u>	DECLARATION of Clifford S. Davidson in support re 15 Reply to Response to Motion to Strike Plaintiff's Complaint Pursuant to Section 425.16 of the California Code of Civil Procedure by

		Defendant Cornell University. (Attachments: # 1 Exhibit A)(Deixler, Bert) Modified on 12/17/2007 - edited text (vet,). (Entered: December 14, 2007)
December 14, 2007	<u>18</u>	OBJECTION by Cornell University re 12 Affidavit in Opposition to Motion to Strike Plaintiff's Complaint Pursuant to Section 425.16 of the California Code of Civil Procedure (Deixler, Bert) (vet,). (Entered: December 14, 2007)
December 14, 2007	<u>19</u>	CERTIFICATE OF SERVICE by Cornell University re 16 Declaration, 17 Declaration, 18 Objection, 15 Reply to Response to Motion to Strike Plaintiff's Complaint Pursuant to Section 425.16 of the California Code of Civil Procedure (Deixler, Bert) (vet,). (Entered: December 14, 2007)
December 20, 2007	<u>20</u>	Discrepancy Order by Judge Barry Ted Moskowitz accepting document: Plaintiff's Response to Defendant's Reply from Plaintiff Kevin Vanginderen, non-compliance with local rule Other: No Provision for Surreplies in the Local Rules. Signed by Clerk of Court on 12/19/07. (vet) (Entered: December 20, 2007)
December 20, 2007	<u>21</u>	RESPONSE to Defendant's Reply in further support re 7 MOTION to Strike Plaintiff's Complaint filed by Kevin Vanginderen. NUNC PRO TUNC 12/18/07. (vet) (Entered: December 20, 2007)
December 21, 2007	<u>22</u>	MINUTE ORDER submitting 7 Motion to Strike (tml) (Entered: December 21, 2007)
December 27, 2007	<u>23</u>	NOTICE by Cornell University to Court of California Supreme Court Decision (Attachments: # 1 Exhibit Exhibit A (California Supreme Court decision in the Hebrew Academy case))(Davidson, Clifford) Modified on 12/28/2007 - atty contacted missing proof of service (vet,). (Entered: December 27, 2007)
December 28, 2007	<u>24</u>	CERTIFICATE OF SERVICE by Cornell University re 23 Notice (Other), Notice (Other) to Court of California Supreme Court Decision (Davidson, Clifford) (jpp,). (Entered: December 28, 2007)
April 28, 2008	<u>25</u>	NOTICE by Cornell University of related case(s) 08-cv-736-w-jma (Davidson, Clifford) Modified on 4/29/2008 - low-number order prepared (vet). (Entered: April 28, 2008)
April 28, 2008	<u>26</u>	CERTIFICATE OF SERVICE by Cornell University re 25 Notice of Related Case (Davidson, Clifford) (vet). (Entered: April 28, 2008)

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Plaintiff: Kevin Vanginderen

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Defendant: Cornell University

Represented By: Clifford Scott Davidson, Nelson E. Roth, Charles S. Sims, Bert H Deixler

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