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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 SABRINA MUHAMMAD, an individual,
11
12 Plaintiff,
13 v.
14 REESE LAW GROUP, APC,
15 Defendant.

Case No.: 16cv2513-MMA (BGS)

**ORDER DENYING REESE LAW
GROUP'S MOTION FOR
SANCTIONS**

[Doc. No. 46]

17
18 Plaintiff Sabrina Muhammad ("Plaintiff") brings two causes of action against
19 Defendant Reese Law Group ("Reese") alleging violations of the Fair Debt Collection
20 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), and California's Rosenthal Fair Debt
21 Collection Practices Act, California Civil Code § 1788 *et seq.* ("Rosenthal Act"). *See*
22 *Complaint*. On January 23, 2017, the Court granted Reese's anti-SLAPP motion,
23 dismissing Plaintiff's Rosenthal Act claims against Reese with prejudice. *See Doc. No.*
24 *31*. Reese now moves for sanctions against Plaintiff's counsel pursuant to Federal Rule
25 of Civil Procedure 11. *See Doc. No. 46*. Plaintiff filed an opposition to Reese's motion,
26 to which Reese replied. *See Doc. Nos. 49, 52*. The Court found the matter suitable for
27 determination on the papers and without oral argument pursuant to Civil Local Rule
28 7.1.d.1. *See Doc. No. 53*. For the reasons set forth below, the Court **DENIES** Reese's

1 motion for sanctions.

2 **BACKGROUND**

3 Plaintiff Sabrina Muhammad is an individual residing in Orange County,
4 California. Reese is a law firm headquartered in San Diego, California, which conducts
5 business in the state of California.

6 Plaintiff leased a vehicle from Ford Motor Credit Company, LLC (“Ford”) and
7 defaulted on the loan. Reese obtained a judgment on behalf of Ford against Plaintiff in
8 the Orange County Superior Court on or about March 30, 2001. Reese then garnished
9 Plaintiff’s wages at different times over a period of several years.

10 On or about July 17, 2009, Reese renewed the money judgment in the Orange
11 County Superior Court. Approximately two years later in November 2011, Reese
12 prepared and submitted to the Orange County Superior Court a writ of execution and
13 interest calculation. “The clerk of court issued the writ on November 28, 2011.” Doc.
14 No. 46-1 at 2.

15 Approximately four years later, Reese prepared and submitted another writ of
16 execution and interest calculation to the Orange County Superior Court. The clerk of
17 court for the Orange County Superior Court issued the writ on December 2, 2015, and
18 directed the San Diego County Sheriff to garnish Plaintiff’s wages.

19 Plaintiff asserts that Reese “is collecting more than owed.” Doc. No. 49 at 1.
20 Moreover, Plaintiff claims that despite having no ties to San Diego County, Reese
21 continues to garnish Plaintiff’s wages in a county other than where the debt was created
22 or where Plaintiff resides. *See id.* Plaintiff therefore argues Reese’s actions violate
23 various provisions of the FDCPA.

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1 LEGAL STANDARD¹

2 Federal Rule of Civil Procedure 11 provides in pertinent part, that when an
3 attorney or unrepresented party presents a signed paper to a court, that attorney or
4 unrepresented party is certifying that to the best of his or her “knowledge, information
5 and belief, formed after an inquiry reasonable under the circumstances” that:

- 6 (1) it is not being presented for any improper purpose, such as to harass, cause
7 unnecessary delay, or needlessly increase the cost of litigation;
- 8 (2) the claims, defenses, and other legal contentions are warranted by existing law
9 or by a nonfrivolous argument for extending, modifying, or reversing law or for
10 establishing new law;
- 11 (3) the factual contentions have evidentiary support or, if specifically so identified,
12 will likely have evidentiary support after a reasonable opportunity for further
13 investigation or discovery; and
- 14 (4) the denials of factual contentions are warranted on the evidence or, if
15 specifically so identified, are reasonably based on belief or a lack of
16 information.

17 Fed. R. Civ. P. 11(b)(1)-(4).

18 When one party seeks sanctions against another, the Court must first determine
19 whether any provision of Rule 11(b) has been violated. *Warren v. Guelker*, 29 F.3d
20 1386, 1389 (9th Cir. 1994). A finding of subjective bad faith is not required under Rule
21 11. *See Smith v. Ricks*, 31 F.3d 1478, 1488 (9th Cir. 1994) (quoting *Zuniga v. United*
22 *Can Co.*, 812 F.2d 443, 452 (9th Cir. 1987)) (“Counsel can no longer avoid the sting of
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25 ¹ Plaintiff claims that in the event Defendant prevails on the instant motion, Defendant “is only
26 entitled to attorney fees if they can show the case was filed in bad faith or for the purposes of
27 harassment.” Doc. No. 49 at 21. Plaintiff argues the Court should utilize the statutory fee shifting
28 provision of 15 U.S.C. § 1692k, as opposed to Rule 11. *See id.* Plaintiff, however, fails to sufficiently
demonstrate the applicability of the FDCPA attorney fee provision in this context. In any event, because
the Court denies Defendant’s motion for sanctions for the reasons set forth below, the Court need not
analyze this argument.

1 Rule 11 sanctions by operating under the guise of a pure heart and empty head.”).
2 “Instead, the question is whether, at the time the paper was presented to the Court (or
3 later defended) it lacked evidentiary support or contained ‘frivolous’ legal arguments.”
4 *Odish v. CACH, LLC*, 2012 WL 5382260, at *3 (S.D. Cal. Nov. 1, 2012).

5 If the court determines a Rule 11 violation occurred, “the court *may* impose an
6 appropriate sanction on any attorney, law firm, or party that violated the rule or is
7 responsible for the violation.” Fed. R. Civ. P. 11(c)(1) (emphasis added).

8 DISCUSSION

9 **I. Evidentiary Objections**

10 As a preliminary matter, both parties filed various evidentiary objections. *See* Doc.
11 Nos. 50, 52-4. The Court addresses the parties’ objections in turn.

12 **A. Plaintiff’s Evidentiary Objections**

13 Plaintiff objects to evidence submitted in support of Reese’s motion for sanctions.
14 *See* Doc. No. 50. Specifically, Plaintiff objects to: (1) Harlan Reese’s declaration in its
15 entirety; (2) Exhibit 2 to Harlan’s Reese’s declaration; (3) Joseph M. Pleasant’s
16 declaration in its entirety, including Exhibit 1; (4) Dana Meyer’s declaration in its
17 entirety, including Exhibits 1-3; and (5) Susan Benson’s declaration in its entirety,
18 including Exhibits 1-2. *See* Doc. No. 50. Reese filed an opposition to Plaintiff’s
19 evidentiary objections. *See* Doc. No. 52-3. The Court does not rely on the above-
20 referenced declarations and exhibits in ruling on the instant motion. Accordingly, the
21 Court **DENIES AS MOOT** Plaintiff’s evidentiary objections.

22 **B. Reese’s Evidentiary Objections**

23 Reese objects to evidence submitted in support of Plaintiff’s opposition to Reese’s
24 motion for sanctions (objections 1-6). *See* Doc. No. 52-4. Specifically, Reese objects to:
25 (1) six excerpts of William Jarrell’s declaration; and (2) six excerpts of Sabrina
26 Muhammad’s declaration (objections 7-12). *See id.*

27 As to Mr. Jarrell’s declaration, Reese objects to five of the six excerpts on hearsay
28 grounds. Hearsay is a statement made out of court offered for the truth of the matter

1 asserted. Fed. R. Evid. 801(c). The Court finds Reese’s hearsay objections to Mr.
2 Jarrell’s declaration to be without merit because such statements are based on Mr.
3 Jarrell’s personal knowledge and are not offered for the truth of the matter asserted.
4 Accordingly, the Court **OVERRULES** Reese’s hearsay objections to Mr. Jarrell’s
5 declaration (objections 1-4, 6). Reese objects to one other portion of Mr. Jarrell’s
6 declaration on the ground that the Mr. Jarrell’s testimony calls for a legal conclusion.
7 The Court similarly finds this objection to be without merit because Mr. Jarrell simply
8 paraphrases relevant California law. As such, the Court **OVERRULES** Reese’s
9 objection on the ground that Mr. Jarrell’s testimony calls for a legal conclusion (objection
10 5).

11 As to Ms. Muhammad’s declaration, the Court does not rely on Ms. Muhammad’s
12 declaration in reaching its conclusion below. As such, the Court **DENIES AS MOOT**
13 Reese’s objections to Ms. Muhammad’s declaration.

14 **II. Reese’s Motion for Sanctions²**

15 The gravamen of Plaintiff’s Complaint is that Reese violated the FDCPA by
16 misrepresenting the amount of Plaintiff’s debt, attempting to collect more money than
17 owed on the money judgment, and initiating a legal action in an improper venue. *See*
18 Complaint. Reese contends sanctions are proper because there is no evidentiary support
19 for Plaintiff’s accounting allegations, there is no legal support for Plaintiff’s venue
20 allegations, and Plaintiff’s counsel did not perform a reasonable pre-filing inquiry. *See*
21 Doc. No. 46-1. Plaintiff opposes, arguing that Reese’s motion for sanctions is untimely,
22 Plaintiff’s claims are warranted by existing law, and Plaintiff’s counsel engaged in a
23 reasonable pre-filing inquiry. *See* Doc. No. 49. The Court addresses each argument in
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25 ² Mr. Howard Smith, one of Reese’s attorneys, avers he complied with the 21-day safe harbor
26 provision required by Rule 11(c)(2). Doc. No. 46-2 ¶¶ 2-3 (hereinafter “Smith Decl.”). Mr. Smith sent
27 by email and U.S. mail a copy of Reese’s proposed motion for sanctions at least 21 days prior to filing
28 the instant motion. Smith Decl. ¶ 2. Plaintiff does not contest that she received a copy of Reese’s
motion for sanctions, or argue that Reese otherwise failed to comply with the requirements set forth in
Rule 11. As such, the Court concludes Reese complied with the 21-day safe harbor period requirement.

1 turn.

2 **A. Reese’s Motion for Sanctions is Timely**

3 Plaintiff asserts the instant motion is untimely because “it was made after [Reese]
4 prevail[ed] on the anti-SLAPP motion.” Doc. No. 49 at 18. Reese, however, contends its
5 motion is timely because it was not until Plaintiff produced “no evidence in opposition”
6 to Reese’s anti-SLAPP motion that Reese believed “there was no evidentiary basis for the
7 filing of the Complaint and that a Motion for Sanctions would be appropriate.” Doc. No.
8 52 at 7.

9 “Ordinarily the motion [for sanctions] should be served promptly after the
10 inappropriate paper is filed, and, if delayed too long, may be viewed as untimely.” Fed.
11 R. Civ. P. 11 advisory committee’s note to 1993 amendment. “Motions for Rule 11
12 attorney’s fees cannot be served after the district court has decided the merits of the
13 underlying dispute giving rise to the questionable filing. This is because once the court
14 has decided the underlying dispute, the motion for fees cannot serve Rule 11’s purpose of
15 judicial economy.” *Islamic Shura Council of S. Cal. v. F.B.I.*, 757 F.3d 870, 872 (9th
16 Cir. 2014).

17 Here, the Court finds Reese’s motion is timely because the Court has not decided
18 the merits of the underlying dispute. While the Court granted Reese’s anti-SLAPP
19 motion on January 23, 2017, the Court only dismissed Plaintiff’s state law claims under
20 the Rosenthal Act. *See* Doc. No. 31. Thus, the Court has not yet addressed Plaintiff’s
21 federal claims under the FDCPA. *See Islamic Shura Council of S. Cal.*, 757 F.3d at 873
22 (reversing an order granting a motion for sanctions where the motion for sanctions was
23 filed after the Court ruled on the motion underlying the dispute); *Grant v. Bostwick*, 2016
24 WL 3983075, at *6 (S.D. Cal. July 21, 2016) (denying a motion for sanctions where court
25 decided the merits of the underlying motion before the plaintiff filed the motion for
26 sanctions). Further, because the Court issued its Order granting Reese’s anti-SLAPP
27 motion on January 23, 2017, Reese did not wait an unreasonable amount of time in filing
28 the instant motion on March 10, 2017. *Cf. MGA Entm’t, Inc. v. Nat’l Prod. Ltd.*, 2012

1 WL 4052023, at *5 (C.D. Cal. Sept. 14, 2012) (noting the defendants’ motion for
2 sanctions was untimely because the defendants did not move for sanctions until *more*
3 *than six months* after the plaintiffs’ allegedly improper behavior) (emphasis added);
4 *Netbula, LLC v. Bindview Dev. Corp.*, 2007 WL 1694820, at *1 (N.D. Cal. June 11,
5 2007) (finding Rule 11 motion “untimely because it was not filed until many months after
6 Defendants’ offending contentions were made and long after the presiding judge had
7 already considered or ruled upon the papers containing the offending contentions.”).
8 Accordingly, Reese’s motion for sanctions is timely.

9 **B. Plaintiff’s Complaint is Not Frivolous**

10 Reese contends Plaintiff’s counsel committed two sanctionable acts: (1) Plaintiff
11 presents no evidence in support of her accounting allegations; and (2) Plaintiff’s venue
12 allegations are not supported by existing law, or by a nonfrivolous argument for the
13 extension of existing law. *See* Doc. No. 52 at 6.

14 Prior to filing a complaint, “attorneys have a duty, not only to conduct a reasonable
15 factual investigation, but also to perform adequate legal research to confirm whether the
16 underlying theories of the complaint are warranted by existing law or by a good faith
17 argument for an extension, modification, or reversal of existing law.” *Smith v. Hunt &*
18 *Henriques*, 2013 WL 6141456, at *2 (N.D. Cal. Nov. 21, 2013) (citing *Christian v.*
19 *Mattel, Inc.*, 286 F.3d 1118, 1127 (9th Cir. 2002)). When evaluating whether a complaint
20 is frivolous or without evidentiary support, the court “must conduct a two-prong inquiry
21 to determine (1) whether the complaint is legally or factually baseless from an objective
22 perspective, and (2) if the attorney has conducted a reasonable and competent inquiry
23 before signing and filing it.” *Christian*, 286 F.3d at 1127. The word “frivolous” is a
24 shorthand used by courts to “denote a filing that is *both* baseless *and* made without a
25 reasonable and competent inquiry.” *Townsend*, 929 F.2d 1358, 1362 (9th Cir. 1990)
26 (emphasis added).

27 *1. Adequate Legal Basis*

28 First, the Court must determine whether Plaintiff’s Complaint is legally or

1 factually baseless from an objective perspective. *See id.* at 1362. Reese argues
2 “Plaintiff’s attorneys have been advised of the law repeatedly and RLG provided them
3 with the evidence and explanations showing that RLG did not misapply collections or
4 over collect or violate the FDCPA’s venue provision.” Doc. No. 46-1 at 10. Because the
5 presence of a single frivolous or improper claim can give rise to a Rule 11 violation,
6 courts must individually assess each claim the movant alleges is frivolous to determine
7 whether any claim justifies the imposition of sanctions. *See Townsend*, 929 F.2d at 1363.
8 Therefore, the Court proceeds to analyze Plaintiff’s accounting allegations and venue
9 allegations separately.

10 a. Alleged Accounting Violation

11 Plaintiff alleges Reese misrepresented the amount of Plaintiff’s debt and is
12 attempting to collect more money than owed in violation of 15 U.S.C. § 1692f.
13 Complaint ¶ 53. Reese claims “there is no evidentiary support for the accounting
14 allegations.” Doc. No. 52 at 6. In response, Plaintiff’s counsel assert that they reviewed
15 numerous documents which led them to conclude that Defendant attempted to garnish
16 more than Plaintiff owed on the judgment. *See* Doc. No. 49 at 7.

17 The FDCPA prohibits a debt collector from using unfair or unconscionable means
18 to collect to attempt to collect any debt, including “[t]he collection of any amount
19 (including any interest, fee, charge, or expense incidental to the principal obligation)
20 unless such amount is expressly authorized by the agreement creating the debt or
21 permitted by law. 15 U.S.C. § 1692f(1).

22 Here, Plaintiff’s counsel contends that in reviewing various relevant documents,
23 including garnishment ledgers produced by the Orange County Superior Court, the San
24 Diego County Sheriff’s Levying Office, the IRS, and Reese Law Group, Plaintiff’s
25 counsel “discovered an entry where Defendant appeared to erroneously allocate
26 Plaintiff’s alleged unpaid interest balance to the alleged outstanding principal balance.
27 As such, it appeared Defendant was collecting compound interest, a violation of the
28 FDCPA.” *See* Doc. No. 49-1 at ¶ 32 (hereinafter “Jarrell Decl.”). Upon review of

1 Plaintiff's Complaint and opposition to the instant motion, the Court finds that Plaintiff's
2 accounting allegations are not objectively baseless. *See Prof'l Real Estate Investors, Inc.*
3 *v. Columbia Pictures, Indus., Inc.*, 508 U.S. 49, 60 (1993) (noting that a claim is typically
4 not considered "baseless" unless "no reasonable litigant could realistically expect success
5 on the merits.").

6 b. Alleged Venue Violation

7 Plaintiff alleges Reese brought a legal action against her in an improper venue in
8 violation of 15 U.S.C. § 1692i. Complaint ¶ 52(e). Reese contends "there [i]s no legal
9 support for the venue allegations and [Plaintiff has] provided no argument to change or
10 modify the law in this regard." Doc. No. 52 at 6. The FDCPA requires a debt collector
11 who brings any legal action on a debt "against any consumer" to "bring such action only
12 in the judicial district or similar legal entity (A) in which such consumer signed the
13 contract sued upon; or (B) in which such consumer resides at the commencement of the
14 action." 15 U.S.C. § 1692i(a)(2).

15 Here, Plaintiff claims Reese obtained the initial judgment in Orange County, but
16 that Reese later obtained a writ of execution and used it to garnish wages in San Diego
17 County. Plaintiff asserts she never lived in San Diego and did not sign the contract with
18 the original debtor (Ford) in San Diego. *See* Doc. No. 49 at 7. Thus, because Reese's
19 garnishment activity took place outside of Orange County, Plaintiff asserts Reese violated
20 § 1692i of the FDCPA.

21 Reese argues Plaintiff's venue allegations are without merit because the statute
22 requires the debt collector bring a legal action on a debt "against any *consumer*." 15
23 U.S.C. § 1692i(a). Reese cites to authority from the First, Eighth and Eleventh Circuits
24 to support its contention that wage garnishment procedures do not qualify as actions
25 against consumers, but instead are actions against third parties, for purposes of the
26 FDCPA's venue requirements. *See Ray v. McCullough Payne & Hann, LLC*, 838 F.3d
27 1107, 1111 (11th Cir. 2016); *Hageman v. Barton*, 817 F.3d 611, 618-19 (8th Cir. 2016);
28 *Smith v. Solomon & Solomon, PC*, 714 F.3d 73, 75-77 (1st Cir. 2013). Plaintiff, however,

1 claims the law in the Ninth Circuit is unsettled on the issue of whether California wage
2 garnishment procedures are actions against a consumer or third party.³ See Doc. No. 49
3 at 10 (noting that the Ninth Circuit has “never specifically addressed the issue of whether
4 the [wage] garnishment qualified as an action against the consumer or a third party.”).
5 Thus, Reese claims Plaintiff’s position is not supported by existing law. The fact that the
6 Ninth Circuit has not yet addressed this issue, however, does not mean Plaintiff’s position
7 is objectively baseless. Plaintiff need not be correct on her “perception of the law,” but
8 need only “state[] an arguable claim.” *Riverhead Sav. Bank v. Nat’l Mortgage Equity*
9 *Corp.*, 893 F.2d 1109, 1115 (9th Cir. 1990) (citation omitted). Moreover, “[a] claim is
10 not objectively baseless as long as there is ‘some plausible basis’ for the argument, even
11 if that basis is ‘quite a weak one.’” *Simpson v. Cal. Pizza Kitchen, Inc.*, 2013 WL
12 12114487, at *3 (S.D. Cal. Oct. 23, 2013) (citing *United Nat. Ins. Co. v. R&D Latex*
13 *Corp.*, 242 F.3d 1102, 117 (9th Cir. 2001) (emphasis in original). In the absence of any
14 binding authority to the contrary, Plaintiff’s venue allegations are not objectively
15 baseless.

16 2. Reasonable Inquiry

17 Second, the Court must determine if Plaintiff’s counsel conducted a reasonable and
18 competent inquiry before signing the Complaint. See *Townsend*, 929 F.2d at 1362.
19 Reese claims Plaintiff failed to conduct an adequate pre-lawsuit investigation because
20 Reese’s counsel “explained the accounting issues” to Plaintiff’s counsel prior to Plaintiff
21 filing her lawsuit. See Doc. No. 52 at 2-4. “Rule 11’s requirement of a ‘reasonable
22 inquiry’ means an inquiry reasonable under ‘all the circumstances of a case.’” *Townsend*,
23 929 F.2d at 1364 (citing *Cooter & Gell*, 496 U.S. 384, 401 (1990)). This determination is

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26 ³ The Court notes that Plaintiff makes repeated references to the Court’s previous ruling that
27 “wage garnishment activity against the consumer’s employer is not collection activity against the
28 consumer[.]” Doc. No. 49 at 13; see *id.* at 2, 6, 8, 9, 10. The Court, in granting Reese’s anti-SLAPP
motion, however, did not rule on this issue. The Court expressly indicated that Plaintiff failed to meet
her burden under the second prong of the anti-SLAPP analysis. See Doc. No. 31 at 11. As such, the
Court’s holding is narrower in scope than Plaintiff contends.

1 highly fact-intensive. *See id.*

2 Here, the Court finds Plaintiff’s counsel conducted a reasonable pre-filing inquiry.
3 Mr. Jarrell avers he conducted extensive research for several months to determine
4 whether Plaintiff had any viable claims. Jarrell Decl. ¶ 12. In fact, Mr. Jarrell reviewed
5 hundreds of pages of documents relevant to Plaintiff’s case. Jarrell Decl. ¶ 13.
6 Additionally, Mr. Jarrell “performed more than 35 hours of legal services” including
7 analyzing Reese’s prospective liability, researching relevant California and federal law,
8 and discussing the case with opposing counsel. Jarrell Decl. ¶ 13, 18-20. Further,
9 Plaintiff hired a forensic accountant to review the relevant accounting records who
10 similarly believed that Defendant improperly classified outstanding interest as principal.
11 Jarrell Decl. ¶¶ 34, 36. “Rule 11 is an extraordinary remedy, one to be exercised with
12 extreme caution.” *Operating Eng’rs Pension Trust v. A-C Co.*, 859 F.2d 1336, 1345 (9th
13 Cir. 1988). Sanctions are reserved “for the rare and exceptional case where the action is
14 clearly frivolous. . . .” *Id.* at 1344. The Court finds that Plaintiff’s counsel conducted a
15 reasonable pre-filing inquiry; thus, this is not a “rare and exceptional case” warranting the
16 imposition of sanctions.

17 3. Conclusion

18 Accordingly, because Plaintiff’s claims are not objectively baseless, and because
19 Plaintiff’s counsel conducted a reasonable inquiry, the Court **DENIES** Reese’s motion
20 for sanctions.

21 **III. Plaintiff is Not Entitled to Attorneys’ Fees Pursuant to Rule 11(c)(2)**

22 Finally, Plaintiff asserts that she “is entitled to [attorneys’] fees as the prevailing
23 party to this Motion” pursuant to Federal Rule of Civil Procedure 11(c)(2) in the amount
24 of \$26,280.00. Doc. No. 49 at 5. Rule 11(c)(2) provides in pertinent part that “[a]
25 motion for sanctions must be made separately from any other motion and must describe
26 the specific conduct that allegedly violates Rule 11(b). . . . If warranted, the court *may*
27 award to the prevailing party the reasonable expenses, including attorney’s fees, incurred
28 for the motion.” Fed. R. Civ. P. 11(c)(2) (emphasis added).

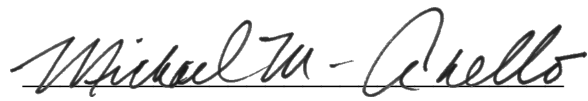
1 Here, the Court declines to award attorneys' fees to Plaintiff as the prevailing party
2 on Reese's motion for sanctions. Plaintiff summarily states "Defendant's Rule 11
3 Motion is without merit, and is filed for an improper purpose." Doc. No. 49 at 2.
4 However, "a request for costs . . . requires a showing similar to that required for a motion
5 brought under Rule 11." *Simpson*, 2013 WL 12114487, at *5. In the absence of any
6 evidence to the contrary, and based upon a thorough review of the relevant documents,
7 the Court finds Defendant did not bring the instant motion for an improper purpose.
8 While Rule 11(c)(2) permits the Court, in its discretion, to award attorneys' fees to the
9 prevailing party, Rule 11 does not require the Court to do so. Accordingly, the Court
10 **DENIES** Plaintiff's request for attorneys' fees.

11 **CONCLUSION**

12 Based on the foregoing, the Court **DENIES** Reese's motion for sanctions and
13 **DENIES** Plaintiff's request for attorneys' fees.

14 **IT IS SO ORDERED.**

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16 Dated: June 14, 2017

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18 HON. MICHAEL M. ANELLO
19 United States District Judge
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