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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ANTON EWING,

12 Plaintiff,

13 v.

14 KYLE READDICK, DANIEL
15 KLEIN, and SYNERGY DIRECT
16 SOLUTION, LLC,

17 Defendants.

Case No.: 18-cv-0429-WQH-JMA

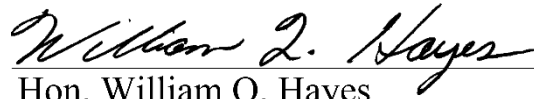
ORDER

18 HAYES, Judge:

19 On March 30, 2018, Defendant Daniel Klein filed a Motion to Dismiss (ECF No.
20 12) with a May 7, 2018 hearing date. On April 13, 2018, Klein filed a Motion for
21 Misjoinder (ECF No. 13) and a Motion for Sanctions (ECF No. 14), both with May 21,
22 2018 hearing dates. On April 30, 2018, Plaintiff Anton Ewing filed a Motion to Continue
23 the hearing dates for the Motion for Misjoinder and the Motion for Sanctions. (ECF No.
24 19). Ewing contends that the Motion for Misjoinder and the Motion for Sanctions “ask the
25 Court to rule yet again on the same exact issue as his Rule 12(b)(6) motion.” *Id.* at 3. On
26 May 1, 2018, Klein filed an Opposition to the Motion to Continue. (ECF No. 20). Klein
27 contends that the Motion to Dismiss, Motion for Misjoinder, and Motion for Sanctions “are
28 not duplicative.” *Id.* at 1.

1 The Motion to Dismiss, Motion for Misjoinder, and Motion for Sanctions present
2 different issues. The Motion to Dismiss asks the Court to decide whether Ewing’s
3 Complaint sufficiently states a claim. (ECF No. 12). The Motion for Joinder asks the
4 Court to decide whether the Complaint properly joins its claims against Klein with its
5 claims against the other defendants. (ECF No. 13). The Motion for Sanctions asks the
6 Court to decide whether Ewing should be sanctioned for filing the Complaint because it is
7 “legally frivolous and factually misleading.” (ECF No. 14 at 1). Accordingly, Ewing’s
8 Motion to Continue (ECF No. 19) is DENIED.

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10 Dated: May 2, 2018


11 Hon. William Q. Hayes
12 United States District Court
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