

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CALMAT CO.,

Plaintiff,

vs.

Civ. No. 16-26 KG/JHR

OLDCASTLE PRECAST, INC.,
and JOHN DOES 1-5,

Defendants.

ORDER STRIKING FILINGS AND IMPOSING FILING RESTRICTIONS

This matter comes before the Court upon “Rune Kraft’s Objections to Proposed Filing Restrictions” (Objections), filed December 13, 2017. (Doc. 199). Defendant Oldcastle Precast, Inc. (Oldcastle) filed a response on December 28, 2017. (Doc. 213). Having considered the Objections and response, the Court strikes (Docs. 192, 193, 194, 196, 197, and 198), overrules the Objections, and imposes filing restrictions on Rune Kraft (Kraft).

On December 4, 2017, the Court entered its Order Striking and Denying Motions, and Proposing Filing Restrictions (Order). (Doc. 188). In that Order, the Court proposed filing restrictions on Kraft based on his “history of filing numerous frivolous motions and papers on his own behalf despite no longer being a party and on behalf of KAHI [Kraft Americas Holding, Inc.] despite not being an attorney and warned by the Court not to do so.” *Id.* at 6. The Order provided Kraft ten days from the date of the Order to file objections to the proposed filing restrictions. *Id.* at 8, ¶ 5. The Court limited the objections to “ten typed, double-spaced pages in length.” *Id.*

Kraft timely filed his Objections (Doc. 199) to the proposed filing restrictions, but then Kraft and Jose Diaz, an “authorized officer” of KAHI, also filed on the same day six documents

entitled “Objection” to notify the Court of objections to various matters other than the proposed filing restrictions. (Docs. 192, 193, 194, 196, 197, and 198). Clearly, these six filings by non-parties are outside the scope of the objections to the proposed filing restrictions permitted under the Order. The Court, therefore, will strike (Docs. 192, 193, 194, 196, 197, and 198).

In his Objections (Doc. 199), Kraft attacks the underlying garnishment action, 15mc0033 WJ, and challenges some of the Court’s prior rulings. Kraft does not challenge the scope of the proposed filing restrictions nor does he persuade the Court that his actions in this case have not been overwhelmingly frivolous. In fact, Kraft and Diaz apparently filed six other “Objections” to avoid the page limitation set forth in the Order for objections to the proposed filing restrictions. These filings illustrate the kind of bad faith and frivolousness the Court seeks to curb in its proposed filing restrictions.

IT IS, THEREFORE, ORDERED that

1. (Docs. 192, 193, 194, 196, 197, and 198) are stricken; and
2. Rune Kraft’s Objections to Proposed Filing Restrictions (Doc. 199) are overruled.


IT IS FURTHER ORDERED that the following filing restrictions are imposed on Rune Kraft, effective immediately:

1. Rune Kraft may file documents by and through a licensed attorney who is admitted to practice before this Court and has appeared in this action and signed the documents to be filed.
2. Rune Kraft, acting *pro se*, may file motions asking the Court for permission to file a document, entitled “Rune Kraft’s Motion for Leave to File _____,” with the title of the document he seeks leave to file filled in the blank. The motion must be no more than five typed, double-spaced pages in length, and must certify that, to the best of Rune Kraft’s knowledge, the document he seeks leave to file complies with the Federal Rules of Civil

Procedure and the Local Civil Rules of the United States District Court for the District of New Mexico. Rune Kraft must attach to the motion a copy of the document he seeks leave to file, and a copy of the Court's order imposing filing restrictions. Rune Kraft may seek leave to file one document per motion.

3. Rune Kraft, acting *pro se*, may file any document that the Court has specifically authorized him to file in a written order, a copy of which order Rune Kraft must attach to the document to be filed.

4. The Clerk will be directed not to accept, and to return to Rune Kraft without filing, any documents Rune Kraft attempts to file in this matter other than those described in the above three paragraphs.



UNITED STATES DISTRICT JUDGE