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4 Attorney for Plaintiff

5 MICHAEL CHAMNESS

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8 IN THE UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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11 MICHAEL CHAMNESS,

12 *Plaintiff,*

13 vs.

14 DEBRA BOWEN, in only her
official capacity as California
15 Secretary of State; DEAN LOGAN,
in only his official capacity as
16 Registrar-Recorder / County Clerk
of the County of Los Angeles; and
17 DOES 1-10;

18 *Defendants.*

CASE NO. CV-11-1479 ODW (FFMx)

**PLAINTIFF'S OBJECTIONS TO
UNAUTHORIZED FILING OF
PLEADINGS**

HEARING DATE: Mar. 21, 2011
(Motion for Preliminary
Injunction)

HEARING TIME: 1:30 pm
JUDGE: Hon. Otis D. Wright,

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COURTROOM: 11_

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. Introduction**

3 Late this afternoon, a number of unauthorized documents were filed in
4 connection with Plaintiff’s Motion for Preliminary Injunction. To avoid suffering
5 prejudice, Plaintiff Chamness asks the Court to disregard the following
6 unauthorized documents (the “Unauthorized Documents”) that were filed by non-
7 parties Abel Maldonado, California Independent Voter Network, Californians to
8 Defend the Open Primary, and David Takashima:

- 9 1. Notice of Provisional Submission
- 10 2. Opposition to Plaintiff’s Motion for Preliminary Injunction
- 11 3. Request for Judicial Notice
- 12 4. Corporate Disclosure Statement

13 **II. Background**

14 On February 18, 2011, Plaintiff Michael Chamness filed a Motion for
15 Preliminary Injunction.¹ Per this Court’s Order, all papers opposing or responding
16 to Plaintiff’s Motion for Preliminary Injunction were due at 5 pm today (Mar. 4,
17 2011).² Plaintiff’s reply brief is due exactly one week later, on March 11, 2011, 5
18 pm.³

19 Three days ago, Abel Maldonado, California Independent Voter Project,
20 Californians to Defend the Open Primary, and David Takashima (hereinafter,
21 “Unauthorized Filers”) filed an ex parte Motion to Intervene with the Court. That
22 same day, Plaintiff Chamness filed an Opposition to the Motion to Intervene.⁴

23 Between 3:14 pm and 3:27 pm today, Plaintiff was served with the following
24 documents by Unauthorized Filers: (1) “Notice of Provisional Submission”, (2)

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26 ¹ Mar. 4, 2011 Declaration of Gautam Dutta ¶2.

27 ² *Id.* ¶3.

28 ³ *Id.* ¶3.

⁴ *Id.* ¶4.

1 “Opposition to Plaintiff’s Motion for Preliminary Injunction”, and (3) “Request for
2 Judicial Notice”.⁵

3 As of 5:01 pm this evening (i.e., after the opposition briefing deadline had
4 passed), no ruling had been made on the Motion to Intervene.⁶ Therefore,
5 Unauthorized Filers *did not – and do not – have the Court’s permission to file any*
6 *papers* with respect to Plaintiff’s Motion for Preliminary Injunction.

7 Unless Unauthorized Filers’ papers are disregarded, Plaintiff Chamness’
8 interests will be gravely prejudiced.⁷ Under Local Rules 7-9 and 7-10, Plaintiff
9 Chamness has a right to *seven full days* to review and respond to all authorized
10 pleadings. Because his reply brief is due on March 11, 2011, 5 pm (i.e., seven
11 days from today), Plaintiff Chamness need only respond to all authorized papers
12 that were filed by the Court’s deadline: March 4, 2011, 5 pm.

13 As of 5:01 pm today, Unauthorized Filers had not obtained the Court’s
14 permission to file their papers. Consequently, the Court must disregard their
15 unauthorized papers. Furthermore, Plaintiff Chamness has *no obligation* to
16 respond to Unauthorized Filers’ papers, because those papers were not authorized
17 to be filed as of 5 pm today – the deadline that had been set by this Court.

18 **III. Conclusion**

19 In short, Unauthorized Filers’ papers must be disregarded for two reasons.
20 First, they *did not have the Court’s permission* to file their papers as of today’s 5
21 pm filing deadline. Second, Plaintiff Chamness – who has a right to one full week
22 to respond to all authorized pleadings – will suffer *severe prejudice* if he must
23 respond to unauthorized pleadings. Accordingly, Plaintiff Chamness respectfully
24 asks the Court to disregard the Unauthorized Documents.

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26 ⁵ Dutta Declaration ¶5.

27 ⁶ *Id.* ¶6.

28 ⁷ *Id.* ¶7.

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DATED: Mar. 4, 2011

Respectfully submitted,

By: /s/

GAUTAM DUTTA, ESQ.

Attorney for Plaintiff

MICHAEL CHAMNESS