

			(Entered: 08/20/2010)
<u>34</u>	Aug. 18, 2010	34	MEMORANDUM and Points of Authority re 33 MOTION to Transfer Case filed by Sharon Bridgewater. (Related document(s) 33) (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>35</u>	Aug. 18, 2010	35	Declaration re 33 MOTION to Transfer Case filed by Sharon Bridgewater. (Related document(s) 33) (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>36</u>	Aug. 18, 2010	36	Memorandum in Opposition to defendants' motion declaring the plaintiff a vex. litigant filed by Shawn Bankson. (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>37</u>	Aug. 18, 2010	37	MEMORANDUM and Points of Authority re 36 Memorandum in Opposition filed by Sharon Bridgewater. (Related document(s) 36) (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>38</u>	Aug. 18, 2010	38	Declaration of Sharon Bridgewater in support of opposition and why this court should deny the defendants' motion declaring the plaintiff a vex. litigant filed by Sharon Bridgewater. (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>39</u>	Aug. 18, 2010	39	MOTION for Sanctions filed by Sharon Bridgewater. Motion Hearing set for 9/30/2010 02:00 PM. (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>40</u>	Aug. 18, 2010	40	MEMORANDUM and Points and Authority re 39 MOTION for Sanctions filed by Sharon Bridgewater. (Related document(s) 39) (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>41</u>	Aug. 18, 2010	41	Declaration in Support of 39 MOTION for Sanctions filed by Sharon Bridgewater. (Related document(s) 39) (cp, COURT STAFF) (Filed on 8/18/2010) (Entered: 08/20/2010)
<u>42</u>	Aug. 20, 2010	31	MOTION to Dismiss filed by Shawn Bankson, Jane Creason, Kimball Tirey & St. John, LLP. Motion Hearing set for 9/30/2010 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Attachments: # 1 Request for Judicial Notice, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit, # 16 Exhibit, # 17 Exhibit, # 18 Exhibit, # 19 Exhibit) (Gordon, Eli) (Filed on 8/20/2010) (Entered: 08/20/2010)
<u>43</u>	Aug. 20, 2010	42	MOTION to Dismiss Plaintiff's First Amended Complaint and Motion to Strike filed by Hayes Valley Limited Partnership. Motion Hearing set for 9/30/2010 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Attachments: # 1 Proposed Order)(Toal, John) (Filed on 8/20/2010) (Entered: 08/20/2010)
<u>44</u>	Aug. 20, 2010	43	Declaration of John A. Toal in Support of 42 MOTION to Dismiss Plaintiff's First Amended Complaint and Motion to Strike filed by Hayes Valley Limited Partnership. (Related document(s) 42) (Toal, John) (Filed on 8/20/2010) (Entered: 08/20/2010)
<u>45</u>	Aug. 20, 2010	44	Declaration of Hillary B. Zimmerman in Support of 42 MOTION to Dismiss Plaintiff's First Amended Complaint and Motion to Strike filed by Hayes Valley Limited Partnership. (Related document(s) 42) (Toal, John) (Filed on 8/20/2010) (Entered: 08/20/2010)

			08/20/2010)
<u>46</u>	Aug. 20, 2010	45	Memorandum of Points and Authorities ISO Motion to Dismiss Plf's First Amended Complaint and Motion to Strike filed by Hayes Valley Limited Partnership. (Toal, John) (Filed on 8/20/2010) Modified on 8/23/2010 (cp, COURT STAFF). (Entered: 08/20/2010)
<u>47</u>	Aug. 20, 2010	46	Request for Judicial Notice ISO HVALP's Motion to Dismiss Plf's First Amended Complaint and Motion to Strike filed by Hayes Valley Limited Partnership. (Toal, John) (Filed on 8/20/2010) (Entered: 08/20/2010)
<u>48</u>	Aug. 23, 2010	50	NOTICE of Change of Address by Sharon Bridgewater (cp, COURT STAFF) (Filed on 8/23/2010) (Entered: 08/25/2010)
<u>49</u>	Aug. 23, 2010	51	NOTICE of Filed in Error re First Amended Complaint by Sharon Bridgewater (cp, COURT STAFF) (Filed on 8/23/2010) (Entered: 08/25/2010)
<u>50</u>	Aug. 23, 2010	52	CERTIFICATE OF SERVICE by Sharon Bridgewater re 33 MOTION to Transfer Case, 50 Notice of Change of Address, 37 Memorandum in Support, 38 Declaration in Support, 39 MOTION for Sanctions, 19 Notice (Other), 34 Memorandum in Support, 41 Declaration in Support, 36 Memorandum in Opposition, 40 Memorandum in Support, 51 Notice (Other), 32 Letter, 35 Declaration in Support (cp, COURT STAFF) (Filed on 8/23/2010) (Entered: 08/25/2010)
<u>51</u>	Aug. 24, 2010	47	CLERKS NOTICE Continuing Motion Hearings. Motion Hearings set for 9/30/2010 02:00 PM. (ndr, COURT STAFF) (Filed on 8/24/2010) (Entered: 08/24/2010)
<u>52</u>	Aug. 24, 2010	48	ORDER NOT RELATING CASES. The court has reviewed the motion and determined that no cases are related and no reassignment shall occur. (Attachments: # 1 Certificate of Service)(nah, COURT STAFF) (Filed on 8/24/2010) (Entered: 08/24/2010)
<u>53</u>	Aug. 24, 2010	49	CLERKS NOTICE CASE NOT RELATED TO C-10-703 SBA & C-10-704 SBA (lrc, COURT STAFF) (Filed on 8/24/2010) (Entered: 08/24/2010)
<u>54</u>	Aug. 30, 2010	53	Reply to Opposition re 23 First MOTION Declare Plaintiff a Vexatious Litigant With Proof of Service filed by Shawn Bankson, Jane Creason, Kimball Tirey & St. John, LLP. (Gordon, Eli) (Filed on 8/30/2010) (Entered: 08/30/2010)
<u>55</u>	Aug. 30, 2010	54	Memorandum in Opposition re 39 MOTION for Sanctions filed by Shawn Bankson, Jane Creason, Kimball Tirey & St. John, LLP. (Gordon, Eli) (Filed on 8/30/2010) (Entered: 08/30/2010)
<u>56</u>	Sept. 02, 2010	55	MEMORANDUM in Opposition to 39 Plaintiff's Motion for Sanctions filed by Hayes Valley Limited Partnership. (Yeung, Winnie) (Filed on 9/2/2010) Modified on 9/3/2010 (kc, COURT STAFF). (Entered: 09/02/2010)
<u>57</u>	Sept. 02, 2010	56	Request for Judicial Notice re 55 Memorandum in Opposition to Plaintiff's Motion for Sanctions filed by Hayes Valley Limited Partnership. (Related document(s) 55) (Yeung, Winnie) (Filed on 9/2/2010) (Entered: 09/02/2010)

<u>58</u>	Sept. 03, 2010	57	NOTICE by Sharon Bridgewater re 39 MOTION for Sanctions (kc, COURT STAFF) (Filed on 9/3/2010) (Entered: 09/03/2010)
<u>59</u>	Sept. 03, 2010	58	MOTION for Sanctions filed by Sharon Bridgewater. (kc, COURT STAFF) (Filed on 9/3/2010) (Entered: 09/03/2010)
<u>60</u>	Sept. 03, 2010	59	MEMORANDUM in Support re 58 MOTION for Sanctions filed by Sharon Bridgewater. (Related document(s) 58) (kc, COURT STAFF) (Filed on 9/3/2010) (Entered: 09/03/2010)
<u>61</u>	Sept. 03, 2010	60	Declaration of Sharon Bridgewater in Support of 58 MOTION for Sanctions filed by Sharon Bridgewater. (Related document(s) 58) (kc, COURT STAFF) (Filed on 9/3/2010) (Entered: 09/03/2010)
<u>62</u>	Sept. 07, 2010		Set/Reset Deadlines as to 58 MOTION for Sanctions. Motion Hearing set for 9/30/2010 02:00 PM. (ndr, COURT STAFF) (Filed on 9/7/2010) (Entered: 09/07/2010)
<u>63</u>	Sept. 08, 2010	61	CERTIFICATE OF SERVICE by Sharon Bridgewater re 58 MOTION for Sanctions, 57 Notice (Other), 59 Memorandum in Support, 60 Declaration in Support (kc, COURT STAFF) (Filed on 9/8/2010) (Entered: 09/09/2010)
<u>64</u>	Sept. 10, 2010	62	MEMORANDUM in Opposition re 58 MOTION for Sanctions filed by Shawn Bankson, Jane Creason, Kimball Tirey & St. John, LLP. (Related document(s) 58) (Gordon, Eli) (Filed on 9/10/2010) (Entered: 09/10/2010)
<u>65</u>	Sept. 15, 2010	63	Memorandum in Opposition To Plaintiff's Motion for Sanctions filed by Hayes Valley Limited Partnership. (Yeung, Winnie) (Filed on 9/15/2010) (Entered: 09/15/2010)
<u>66</u>	Sept. 15, 2010	64	NOTICE by Hayes Valley Limited Partnership of Non-Opposition to Motion to Dismiss and Motion to Strike (Yeung, Winnie) (Filed on 9/15/2010) (Entered: 09/15/2010)
<u>67</u>	Sept. 17, 2010	65	MOTION for ex parte order shortening notice time on plaintiff's motion for sanctions filed by Sharon Bridgewater. (cp, COURT STAFF) (Filed on 9/17/2010) (Entered: 09/20/2010)
<u>68</u>	Sept. 17, 2010	66	MOTION to Shorten Time to hear motion for sanctions filed by Sharon Bridgewater. (cp, COURT STAFF) (Filed on 9/17/2010) (Entered: 09/20/2010)
<u>69</u>	Sept. 17, 2010	67	Declaration in Support of 66 MOTION to Shorten Time filed by Sharon Bridgewater. (Related document(s) 66) (cp, COURT STAFF) (Filed on 9/17/2010) (Entered: 09/20/2010)
<u>70</u>	Sept. 17, 2010	68	Proposed Order re 66 MOTION to Shorten Time by Sharon Bridgewater. (cp, COURT STAFF) (Filed on 9/17/2010) (Entered: 09/20/2010)
<u>71</u>	Sept. 17, 2010	69	MOTION for Sanctions filed by Sharon Bridgewater. Motion Hearing set for 10/28/2010 02:00 PM. (Attachments: # 1 Memorandum in support, # 2 Declaration, # 3 Proposed Order) (cp, COURT STAFF) (Filed on 9/17/2010) (Entered: 09/20/2010)
<u>72</u>	Sept. 17, 2010	70	Received Document: Errata First Amended Complaint by Sharon Bridgewater. (Attachments: # 1 Exhibits 1-2, # 2 Exhibits 3-10, # 3 Exhibits 11-13, # 4 Exhibits 14-19)(cp, COURT STAFF) (Filed on 9/17/2010) (Entered: 09/20/2010)
<u>73</u>	Sept. 17, 2010	71	Letter to Judge Wilken from Sharon Bridgewater re

			approval of filing of re 70 errata amended complaint. (cp, COURT STAFF) (Filed on 9/17/2010) (Entered: 09/20/2010)
<u>74</u>	Sept. 22, 2010	72	CERTIFICATE OF SERVICE by Sharon Bridgewater (cp, COURT STAFF) (Filed on 9/22/2010) (Entered: 09/23/2010)
<u>75</u>	Sept. 24, 2010	73	Opposition to re 69 MOTION for Sanctions With Proof of Service filed byShawn Bankson, Jane Creason, Kimball Tirey & St. John, LLP. (Gordon, Eli) (Filed on 9/24/2010) Modified on 9/24/2010 (vfk, COURT STAFF). (Entered: 09/24/2010)
<u>76</u>	Sept. 24, 2010	74	Memorandum in Opposition to 69 Motion for Sanctions filed by Hayes Valley Limited Partnership. (Yeung, Winnie) (Filed on 9/24/2010) Modified on 9/27/2010 (kc, COURT STAFF). (Entered: 09/24/2010)
<u>77</u>	Sept. 27, 2010	75	ORDER REGARDING PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS AND VACATING SEPTEMBER 30 AND OCTOBER 28, 2010 HEARINGS. Signed by Judge Claudia Wilken on 9/27/2010. (ndr, COURT STAFF) (Filed on 9/27/2010) Modified on 9/28/2010 (kc, COURT STAFF). (Entered: 09/27/2010)
<u>78</u>	Sept. 28, 2010	76	NOTICE by Hayes Valley Limited Partnership of Need For ADR Phone Conference and ADR Certification by Parties and Counsel (Attachments: # 1 Affidavit)(Yeung, Winnie) (Filed on 9/28/2010) (Entered: 09/28/2010)
<u>79</u>	Oct. 08, 2010	77	ORDER VACATING CASE MANAGEMENT CONFERENCE. Signed by Judge Claudia Wilken on 10/8/2010. (ndr, COURT STAFF) (Filed on 10/8/2010) (Entered: 10/08/2010)
<u>80</u>	Oct. 08, 2010	78	OPPOSITION to Motion to Dismiss filed bySharon Bridgewater. (Attachments: # 1 Memo Points and Authority, # 2 Declaration) (cp, COURT STAFF) (Filed on 10/8/2010) (Entered: 10/12/2010)
<u>81</u>	Oct. 08, 2010	79	CASE MANAGEMENT STATEMENT filed by Sharon Bridgewater. (cp, COURT STAFF) (Filed on 10/8/2010) (Entered: 10/12/2010)
<u>82</u>	Oct. 08, 2010	80	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (cp, COURT STAFF) (Filed on 10/8/2010) (Entered: 10/12/2010)
<u>83</u>	Dec. 06, 2010	81	NOTICE of Change of Address by Sharon Bridgewater (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>84</u>	Dec. 06, 2010	82	Administrative Motion to File Under Seal Amended Complaint filed by Sharon Bridgewater. (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>85</u>	Dec. 06, 2010	83	MEMORANDUM in Support re 82 Administrative Motion to File Under Seal filed bySharon Bridgewater. (Related document(s) 82) (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>86</u>	Dec. 06, 2010	84	Declaration of Sharon Bridgewater in Support of 82 Administrative Motion to File Under Seal filed bySharon Bridgewater. (Related document(s) 82) (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>87</u>	Dec. 06, 2010	85	Proposed Order re 82 Administrative Motion to File Under Seal by Sharon Bridgewater. (kk, COURT STAFF) (Filed on

			12/6/2010) (Entered: 12/07/2010)
<u>88</u>	Dec. 06, 2010	86	MOTION for Reconsideration of dismissal for failure to prosecute filed by Sharon Bridgewater. (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>89</u>	Dec. 06, 2010	87	MEMORANDUM in Support re 86 MOTION for Reconsideration filed by Sharon Bridgewater. (Related document (s) 86) (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>90</u>	Dec. 06, 2010	88	Proposed Order to vacate Order(s) dated Sept 27, 2010 and Oct. 8, 2010 by Sharon Bridgewater. (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>91</u>	Dec. 06, 2010	89	MOTION to Amend Original Complaint, MOTION to Quash first Amended Complaint and Service of Summons filed by Sharon Bridgewater. (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>92</u>	Dec. 06, 2010	90	MEMORANDUM in Support re 89 MOTION to Amend/Correct; MOTION to Quash filed by Sharon Bridgewater. (Related document(s) 89) (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>93</u>	Dec. 06, 2010	91	Declaration of Sharon Bridgewater in Support of 89 MOTION to Amend/Correct MOTION to Quash filed by Sharon Bridgewater. (Related document(s) 89) (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>94</u>	Dec. 06, 2010	92	Proposed Order re 89 MOTION to Amend/Correct MOTION to Quash by Sharon Bridgewater. (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>95</u>	Dec. 06, 2010	93	MOTION to Appoint Counsel filed by Sharon Bridgewater. (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>96</u>	Dec. 06, 2010	94	MEMORANDUM in Support re 93 MOTION to Appoint Counsel filed by Sharon Bridgewater. (Related document(s) 93) (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>97</u>	Dec. 06, 2010	95	Proposed Order re 93 MOTION to Appoint Counsel by Sharon Bridgewater. (kk, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/07/2010)
<u>98</u>	Feb. 08, 2011	96	NOTICE of Change of Address by Sharon Bridgewater (Attachments: # 1 envelope)(cp, COURT STAFF) (Filed on 2/8/2011) (Entered: 02/09/2011)
<u>99</u>	Feb. 11, 2011	97	ORDER DENYING AS MOOT DEFENDANTS MOTIONS TO DISMISS ORIGINAL COMPLAINT, GRANTING DEFENDANTS MOTIONS TO DISMISS FIRST AMENDED COMPLAINT AND TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT AND DENYING PLAINT MOTIONS FOR SANCTIONS, TO SHORTEN TIME MOTIONS FOR SANCTIONS, TO TRANSFER CASE FILE AN AMENDED COMPLAINT, TO FILE A COMPLAINT UNDER SEAL, FOR RECONSIDERATION AND TO APPOINT COUNSEL. Signed by Judge Wilken on 2/11/11. (ndr, COURT STAFF) (Filed on 2/11/2011) (Entered: 02/11/2011)

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

2 JEFFERY G. BAIREY, SB# 111271

3 JOHN A. TOAL, SB# 194041

4 WINNIE YEUNG, SB# 238473

5 One Sansome Street, Suite 1400

6 San Francisco, California 94104

7 Telephone: (415) 362-2580

8 Facsimile: (415) 434-0882

9 Attorneys for Defendant HAYES VALLEY APARTMENTS II, LP
10 (erroneously sued herein as HAYES VALLEY LIMITED PARTNERSHIP)

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SHARON BRIDGEWATER,

14 Plaintiff,

15 v.

16 HAYES VALLEY LIMITED PARTNERSHIP;
17 SHAWN BANKSON, JANE CREASON AND
18 THE LAW FIRM OF KIMBALL, TIREY AND
19 ST. JOHN LLP, et al.

20 Defendants.

21 CASE NO. C 10-03022 CW

22 DECLARATION OF JOHN A. TOAL IN
23 SUPPORT OF DEFENDANT HAYES
24 VALLEY APARTMENTS II, LP'S
25 MOTION TO DISMISS PLAINTIFF'S
26 FIRST AMENDED COMPLAINT AND
27 MOTION TO STRIKE PURSUANT TO
28 FRCP 12(b)(1);12(b)(5); 12(b)(6);12(f)

Date: September 30, 2010

Time: 2:00 p.m.

Dept.: Courtroom 2, Oakland

Action Filed: July 16, 2010

19 I, John A. Toal, declare:

20 1. I am an attorney at law admitted to practice before all the courts in the State of
21 California and am a partner at the law firm of Lewis Brisbois Bisgaard & Smith LLP. We represent
22 Defendant Hayes Valley Apartments II, LP ("HVALP") in the above entitled lawsuit. I make the
23 following statements in support of HVALP's Motion to Dismiss and Motion to Strike. If called to
24 testify to the matters thereto, I am competent and willing to do so.

25 2. I am one of the primary handling attorneys defending party HVALP. I have read
26 and am familiar with the pleadings and proceedings in this case.

27 3. Attached as Exhibit A is a true and correct copy of the Proof of Service filed by
28

1 plaintiff Sharon Bridgewater of the summons for HVALP in this action. The summons was
2 purportedly served on "April" at 401 Rose Street, San Francisco, California on July 14, 2010.

3 4. Attached as Exhibit B is a true and correct copy of the Proof of Service filed by
4 plaintiff Sharon Bridgewater of the summons for HVALP in this action. The summons was
5 purportedly served on Ana Wong who is the receptionist at Lewis Brisbois Bisgaard & Smith LLP,
6 on July 16, 2010. Ana Wong as the receptionist at defense counsel's law firm is not authorized to
7 accept service on behalf of HVALP.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct and that this Declaration was executed on August 20, 2010, at San
10 Francisco, California.

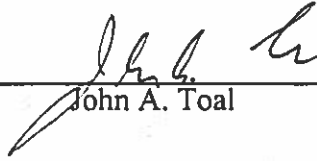
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14 John A. Toal
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EXHIBIT A

AO 440 (Rev. 12/09) Summons in a Civil Action

RECEIVED UNITED STATES DISTRICT COURT

for the

2010 JUL 16 PM 4:09 Northern District of California

FILED
JUL 16 2010

RICHARD W. WIEKING
U.S. DISTRICT COURT
OAKLAND, CALIFORNIA

SHARON BRIDGEWATER
RICHARD WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff

v.

Hayes Valley Limited Partnership
Defendant

Civil Action No. C10-03022(CW)

SHAWN BANKSON, JANE CAGAN AND THE
UNIFORM KIMBALL, TIREY & ST. JOHN
SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

HAYES VALLEY LIMITED PARTNERSHIP, SHAWN BANKSON, JANE CAGAN
401 ROSE STREET KIMBALL, TIREY & ST. JOHN
SAN FRANCISCO, CA 94102 LLP ~~and others~~

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

SHARON BRIDGEWATER
12070 W. OUTER DR.
DETROIT, MI 48223

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

JUL - 9 2010

CLERK OF COURT

[Signature]

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Hayes Valley Limited Partnership
was received by me on (date) 7/14/2010

☒ I personally served the summons on the individual at (place) 401 Rose Street - San Francisco
Hayes Valley Limited Partnership on (date) 7/14/2010, or

☒ I left the summons at the individual's residence or usual place of abode with (name) April the
office manager at 3:00 PM, a person of suitable age and discretion who resides there, at 401
on (date) 7/14/2010, and mailed a copy to the individual's last known address; or Rose Street, San Francisco

☐ I told April they were legal papers and a summons & complaint.

☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____

on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 7/14/2010

Nakia J. Pickerton
Server's signature

I declare under penalty & perjury
I mailed a copy of the summons and complaint
titled Sharon Bridgewater vs. Hayes Valley to
the office manager at 401 Rose Street
San Francisco, CA 94102
From San Francisco, CA
on 7/14/2010

Nakia J. Pickerton
Printed name and title
Hayes Valley Resident

356 Haight St
Server's address
SAN FRANCISCO, CA 94102

Additional information regarding _____ service, etc:

my name is: Miriam Speyer

Address: 3101 Mission St SF CA 94110

Name Printed: Miriam Speyer Signature: Miriam Speyer

title: Server for Sharon

EXHIBIT B

AO 440 (Rev. 12/09) Summons in a Civil Action

RECEIVED
UNITED STATES DISTRICT COURT

for the

2010 JUL 16 PM Northern District of California

FILED
JUL 16 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

RICHARD WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHARON Bridgewater

Plaintiff

v.

Hayes Valley Limited Partnership

Defendant

Civil Action No. C10-03022(CW)

SHAWN BANKSON, JANE CREAGAN AND THE
LAWFIRM KINBALL, TIERNEY & ST. JOHN

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

HAYES VALLEY LIMITED PARTNERSHIP, SHAWN BANKSON, JANE CREAGAN
401 ROSE STREET, KINBALL, TIERNEY & ST. JOHN
SAN FRANCISCO, CA 94102 LLP ~~LLP~~

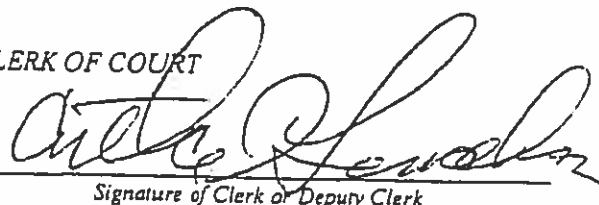
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

SHARON BRIDGEWATER
12070 W. OUTER PI.
DETROIT, MI 48223

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date:

JUL - 9 2010

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Hayes Valley Limited Partnership
 was received by me on (date) 7/16/2010

I personally served the summons on the individual at (place) Lewis, Brisbois and Smith LLP - One Sansome Street on (date) 7/16/2010 or
Suite 1400, San Francisco, CA 94104

I left the summons at the individual's residence or usual place of abode with (name) Ana Wong
the office area receptionist, a person of suitable age and discretion who resides there,
 on (date) 7/16/2010 at 2:00 p.m. and told her to give to John Teal, the attorney for HVLIP
 and mailed a copy to the individual's last known address; or - from San Francisco

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

And I mailed a copy after I gave it to her.
 I mailed it from Oakland CA
 My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date:

7/16/2010

Amani Manning
 Server's signature
Amani Manning
 Printed name and title

241 Alameda St. 3F, CA 94110
 Server's address

Additional information regarding attempted service, etc:

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CERTIFICATE OF SERVICE

Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.
U.S. District Court, Northern Division, Case No. C 10-03022 CW

I, the undersigned, hereby certify that I am an employee of LEWIS, BRISBOIS, BISGAARD & SMITH, LLP, over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On August 20, 2010, I served a true and correct copy of the attached:

DECLARATION OF JOHN A. TOAL IN SUPPORT OF DEFENDANT HAYES VALLEY APARTMENTS II, LP'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT AND MOTION TO STRIKE PURSUANT TO TO FRCP 12(b)(1);12(b)(5); 12(b)(6);12(f)

☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system.

☐ (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.


☒ (BY U.S. MAIL) by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope ☐ in the U.S. Mail, or ☒ by placing said copy(ies) sealed in the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with my firm's practice for collection and processing correspondence for mailing. Under that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope of package with the postage fully prepaid.

Sharon Bridgewater
12070 W. Outer Drive
Detroit, MI 48223

Plaintiff *IN PRO PER*

Telephone: (808) 205-3114

Dated: August 20, 2010


Amanda Hampton

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

2 JEFFERY G. BAIREY, SB# 111271

3 JOHN A. TOAL, SB# 194041

4 WINNIE YEUNG, SB# 238473

5 One Sansome Street, Suite 1400

6 San Francisco, California 94104

7 Telephone: (415) 362-2580

8 Facsimile: (415) 434-0882

9 Attorneys for Defendant HAYES VALLEY APARTMENTS II, LP
10 (erroneously sued herein as HAYES VALLEY LIMITED PARTNERSHIP)

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SHARON BRIDGEWATER,

14 Plaintiff,

15 v.

16 HAYES VALLEY LIMITED PARTNERSHIP;
17 SHAWN BANKSON, JANE CREASON AND
18 THE LAW FIRM OF KIMBALL, TIREY AND
19 ST. JOHN LLP,

20 Defendants.

) CASE NO. C 10-03022 CW

) **DECLARATION OF HILLARY B.
) ZIMMERMAN IN SUPPORT OF
) DEFENDANT HAYES VALLEY
) APARTMENTS II, LP'S MOTION TO
) DISMISS PLAINTIFF'S FIRST AMENDED
) COMPLAINT AND MOTION TO STRIKE
) PURSUANT TO FRCP 12(b)(1);12(b)(5);
) 12(b)(6);12(f)**

) Date: September 30, 2010
) Time: 2:00 p.m.
) Dept.: Courtroom 2, Oakland
) Action Filed: July 16, 2010

21 I, Hillary B. Zimmerman, declare:

22 1. I am the Vice President of MBA Urban Development Co., a general partner of
23 defendant HAYES VALLEY APARTMENTS II, LP ("HVALP") in the above-entitled lawsuit. I
24 submit this declaration in support of HVALP's Motion to Dismiss and Motion to Strike. I have
25 personal knowledge of the facts stated in this declaration, and if called upon to testify thereto, I
26 could and would competently do so.

27 2. HVALP is a California limited partnership.

28 3. The individual by the name of "April" identified on pro se Sharon Bridgewater's
Proof of Service filed with this court on July 16, 2010, in this action is an employee of
McCormack Baron Ragan Management Services, Inc., the property management company for

1 property. April Davalos is a leasing agent for the property at Hayes Valley South, located at 401
2 Rose Street, San Francisco, California. Ms. Davalos is not the designated agent of service of
3 process and is not the general partner or the general manager of the partnership upon which service
4 can be effectuated.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct and that this Declaration was executed on August 3,
7 2010, at St. Louis,
8 Missouri.

9 
Hillary B. Zimmerman

CERTIFICATE OF SERVICE

Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.
U.S. District Court, Northern Division, Case No. C 10-03022 CW

I, the undersigned, hereby certify that I am an employee of LEWIS, BRISBOIS, BISGAARD & SMITH, LLP, over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On August 20, 2010, I served a true and correct copy of the attached:

DECLARATION OF HILLARY B. ZIMMERMAN IN SUPPORT OF DEFENDANT HAYES VALLEY APARTMENTS II, LP'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT AND MOTION TO STRIKE PURSUANT TO FRCP 12(b)(1);12(b)(5); 12(b)(6);12(f)

☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system.

☐ (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

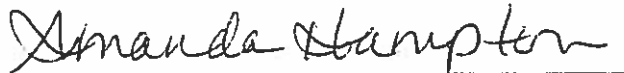
☒ (BY U.S. MAIL) by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope ☐ in the U.S. Mail, or ☒ by placing said copy(ies) sealed in the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with my firm's practice for collection and processing correspondence for mailing. Under that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope of package with the postage fully prepaid.

Sharon Bridgewater
12070 W. Outer Drive
Detroit, MI 48223

Plaintiff *IN PRO PER*

Telephone: (808) 205-3114

Dated: August 20, 2010


Amanda Hampton

1 Karl P. Schlecht, Bar #182294
2 Abel Ortiz, Bar #198668
3 Eli A. Gordon, Bar #252823
4 Katherine E. Henggeler, Bar #267365
5 Kimbal, Tirey & St. John LLP
6 5510 Trabuco Road
7 Irvine, CA 92620
8 Telephone: (949) 476-5585
9 Facsimile: (949)502-5665

10 Attorneys for Defendants
11 Kimball, Tirey & St. John LLP;
12 Jane Creason; Shawn Bankson

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 SHARON BRIDGEWATER,

16 Plaintiff,

17 vs.

18 HAYES VALLEY LIMITED
19 PARTNERSHIP, (AKA, HAYES
20 VALLEY APARTMENTS II L.P.),
21 MCCORMACK BARON RAGAN
22 MANAGEMENT SERVICES INC.,
23 MBA URBAN DEVELOPMENT, CO.,
24 THE RELATED COMPANIES OF
25 CALIFORNIA, INC., SUNAMERICA
26 AFFORDABLE HOUSING
27 PARTNERSHIP, INC., SHAWN
28 BANKSON, JANE CREASON,
KIMBALL, TIREY & ST. JOHN LLP,
DOES 1 THROUGH 50 INCLUSIVE,

Defendants.

Hon. Judge Claudia Wilken

Case No. C 10-03022 EDL

**DEFENDANT KIMBALL, TIREY &
ST. JOHN LLP, JANE CREASON
AND SHAWN BANKSON'S
REQUEST FOR JUDICIAL
NOTICE**

[Filed concurrently with:

- Notice of Motion and
Motion to Dismiss; and
- [Proposed] Order]

Date: September 16, 2010

Time: 2:00 p.m.

Courtroom: 2, 4th Floor

Complaint Filed: July 9, 2010

1 **TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:**
2 **PLEASE TAKE NOTICE** that at the hearing on the **MOTION TO DISMISS**
3 **PLAINTIFF'S COMPLAINT PURSUANT TO FRCP 12(b)(1) AND 12(b)(6),**
4 **currently scheduled to take place on September 16, 2010, at 2:00 p.m., or as soon**
5 **thereafter as the matter can be heard, in Courtroom 2 of the above entitled Court,**
6 **located at 1301 Clay Street, Oakland, CA 94612, Defendants KIMBALL, TIREY**
7 **& ST. JOHN LLP; JANE CREASON; AND SHAWN BANKSON, ("Defendants")**
8 **will hereby request judicial notice of the facts and records set forth herein pursuant**
9 **to Federal Rule of Evidence 201:**

10
11 **REQUEST OF JUDICIAL NOTICE**

12 **Request No. 1:** Defendants request judicial notice of the complaint in the
13 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
14 U.S. District Court, Northern District of California, Case No. 3:08-cv-05622-MHP
15 filed December 17, 2008. A true and correct copy of this complaint is attached
16 hereto as Exhibit "A".

17 **Request No. 2:** Defendants request judicial notice of order dismissing the
18 complaint in the lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited
19 Partnership, et al., U.S. District Court, Northern District of California, Case No.
20 3:08-cv-05622-MHP entered January 27, 2009. A true and correct copy of the order
21 of dismissal is attached hereto as Exhibit "B".

22 **Request No. 3:** Defendants request judicial notice of the complaint in the
23 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
24 U.S. District Court, Northern District of California, Case No. 4:09-cv-03551-PJH
25 filed August 3, 2009. A true and correct copy of this complaint is attached hereto
26 as Exhibit "C".

27 ///

28 ///

1 Request No. 4: Defendants request judicial notice of order dismissing the
2 complaint in the lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited
3 Partnership, et al., U.S. District Court, Northern District of California, Case No.
4 4:09-cv-03551-PJH entered November 20, 2009. A true and correct copy of the
5 order of dismissal is attached hereto as Exhibit "D".

6 Request No. 5: Defendants request judicial notice of the complaint in the
7 lawsuit entitled, Sharon Bridgewater v. Kimball, Tirey & St. John LLP et. al., U.S.
8 District Court, Northern District of California, Case No. 4:09-cv-03639-SBA filed
9 August 7, 2009. A true and correct copy of this complaint is attached hereto as
10 Exhibit "E".

11 Request No. 6: Defendants request judicial notice of the complaint in the
12 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
13 U.S. District Court, Northern District of California, Case No. 4:09-cv-05663-SBA
14 filed December 1, 2009. A true and correct copy of this complaint is attached
15 hereto as Exhibit "F".

16 Request No. 7: Defendants request judicial notice of the joint order
17 dismissing the complaints in the lawsuits entitled, Sharon Bridgewater v. Kimball,
18 Tirey & St. John LLP et. al., U.S. District Court, Northern District of California,
19 Case No. 4:09-cv-03639-SBA and Sharon Bridgewater v. Hayes Valley Limited
20 Partnership, et al., U.S. District Court, Northern District of California, Case No.
21 4:09-cv-05663-SBA, respectively, entered January 19, 2010. A true and correct
22 copy of the joint order of dismissal is attached hereto as Exhibit "G".

23 ///

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25 ///

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28 ///

1 Request No. 8: Defendants request judicial notice of Plaintiff's Motion
2 For Leave to File Complaint in the lawsuit entitled, Sharon Bridgewater v. Kimball,
3 Tirey & St. John LLP et. al., U.S. District Court, Northern District of California,
4 Case No. 4:10-cv-00704-SBA filed February 18, 2010. A true and correct copy of
5 this motion is attached hereto as Exhibit "H".

6 Request No. 9: Defendants request judicial notice of order denying
7 Plaintiff's Motion for Leave to File Complaint and dismissing the complaint in the
8 lawsuit entitled, Sharon Bridgewater v. Kimball, Tirey & St. John LLP et. al., U.S.
9 District Court, Northern District of California, Case No. 4:10-cv-00704-SBA
10 entered February 26, 2010. A true and correct copy of the order of dismissal is
11 attached hereto as Exhibit "I".

12 Request No. 10: Defendants request judicial notice of the complaint in the
13 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
14 U.S. District Court, Northern District of California, Case No. 4:10-cv-00703-SBA
15 filed February 18, 2010. A true and correct copy of this complaint is attached
16 hereto as Exhibit "J".

17 Request No. 11: Defendants request judicial notice of the complaint in the
18 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
19 San Francisco County Superior Court, Case No. CGC-08-478207 filed August 4,
20 2008. A true and correct copy of this complaint is attached hereto as Exhibit "K".

21 Request No. 12: Defendants request judicial notice of the request for
22 dismissal in the lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited
23 Partnership, et al., San Francisco County Superior Court, Case No. CGC-08-
24 478207 entered February 25, 2009. A true and correct copy of this request for
25 dismissal is attached hereto as Exhibit "L".

26 ///

27 ///

28 ///

1 Request No. 13: Defendants request judicial notice of the first amended
2 complaint in the lawsuit entitled, Sharon Bridgewater v. Kimball, Tirey & St. John
3 LLP et. al., San Francisco County Superior Court, Case No. CGC-09-486994 filed
4 April 20, 2009. A true and correct copy of this complaint is attached hereto as
5 Exhibit "M".

6 Request No. 14: Defendants request judicial notice of the order striking
7 Plaintiff's first amended complaint in the lawsuit entitled, Sharon Bridgewater v.
8 Kimball, Tirey & St. John LLP et. al., San Francisco County Superior Court, Case
9 No. CGC-09-486994 entered April 23, 2009. A true and correct copy of this
10 complaint is attached hereto as Exhibit "N".

11
12 DATED: August 2, 2010

Respectfully submitted,

KIMBALL, TIREY & ST. JOHN LLP

13
14
15 By: 

Eli Gordon
Attorney for Defendant KIMBALL,
TIREY & ST. JOHN LLP; Jane
Creason; Shawn Bankson

1 **PROOF OF SERVICE BY MAIL**

2 I, Kristyann Brodecki, declare:

3
4 I am, and was at the time of service of the papers herein referred to, over the
5 age of eighteen (18) years, and not a party to the within action. I am employed in
6 the County of Orange, California, in which county the within-mentioned mailing
7 occurred. My business address is 5510 Trabuco Road, Irvine, CA 92620.

8 On August 3, 2010, I served the following document(s):

9 **DEFENDANT KIMBALL, TIREY & ST. JOHN LLP, JANE CREASON AND
10 SHAWN BANKSON'S REQUEST FOR JUDICIAL NOTICE**

11 on the following parties:

12 Sharon Bridgewater
13 12070 West Outer Drive
14 Detroit, MI 48223

15 **XX** (BY MAIL) I placed a true and correct copy of the document(s) in a
16 sealed envelope addressed as follows and I caused the envelope to be
17 deposited in the mail at Irvine, California. The envelope was mailed
18 with postage thereon fully prepaid.

19 (BY FACSIMILE) I transmitted the documents by facsimile
20 machine [from telephone number: (949) 502-5665, to each person
21 listed in the above service list. The transmission(s) were reported as
22 complete and without error. A copy of the transmission report is
23 attached to this Proof of Service. This transmission report was
24 properly issued by the transmitting facsimile machine.

25 (BY OVERNIGHT MAIL) I placed a true and correct copy of the
26 document(s) in a sealed envelope addressed as follows and I caused
27 the envelope to be deposited with OnTrac at Irvine, California.

28 I declare under penalty of perjury under the laws of the State of California
that the foregoing is true and correct.

Executed on August 3, 2010, at Irvine, California.


Kristyann Brodecki

EXHIBIT A

EXHIBIT B

1 Karl P. Schlecht, Bar #182294
2 Abel Ortiz, Bar #198668
3 Eli A. Gordon, Bar #252823
4 Katherine E. Henggeler, Bar #267365
5 Kimball, Tirey & St. John LLP
6 5510 Trabuco Road
7 Irvine, CA 92620
8 Telephone: (949) 476-5585
9 Facsimile: (949) 502-5665

10 Attorneys for Defendants
11 Kimball, Tirey & St. John LLP
12 Shawn Bankson; Jane Creason

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 SHARON BRIDGEWATER,

16 Plaintiff,

17 vs.

18 HAYES VALLEY LIMITED
19 PARTNERSHIP, (AKA, HAYES
20 VALLEY APARTMENTS II L.P.),
21 MCCORMACK BARON RAGAN
22 MANAGEMENT SERVICES INC.,
23 MBA URBAN DEVELOPMENT, CO.,
24 THE RELATED COMPANIES OF
25 CALIFORNIA, INC., SUNAMERICA
26 AFFORDABLE HOUSING
27 PARTNERSHIP, INC., SHAWN
28 BANKSON, JANE CREASON,
KIMBALL, TIREY & ST. JOHN LLP,
DOES 1 THROUGH 50 INCLUSIVE,

Defendants.

Case No. C 10-03022 EDL

**DEFENDANT KIMBALL, TIREY &
ST. JOHN LLP'S MOTION TO
DECLARE PLAINTIFF, SHARON
BRIDGEWATER A VEXATIOUS
LITIGANT**

[Filed concurrently with:

- Request for Judicial Notice; and
- [Proposed] Order]

Date: September 16, 2010
Time: 2:00 p.m.
Courtroom: 2, 4th Floor

Complaint Filed: July 9, 2010

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on the date and time set forth above or as
3 soon thereafter as counsel may be heard in Courtroom 2, located at 1301 Clay
4 Street, Oakland, CA 94612, Defendant, KIMBALL, TIREY & ST. JOHN LLP,
5 SHAWN BANKSON AND JANE CREASON ("Defendants") will, and do hereby,
6 move the court to declare Plaintiff, SHARON BRIDGEWATER, ("Plaintiff") a
7 vexatious litigant and for an order requiring that Plaintiff obtain leave of court
8 before filing another suit against Defendants for actions arising out of the Unlawful
9 Detainer action as more fully set forth in Defendants' memorandum of points and
10 authorities.

11 The motion will be based on this notice of motion and the memorandum of
12 points and authorities served and filed herewith, on the request for judicial notice
13 filed concurrently herewith, on the records and file herein, and on such evidence as
14 may be presented at the hearing on the motion.

15
16 DATED: August 3, 2010

KIMBALL, TIREY & ST. JOHN LLP

17
18
19 By: 

20 Eli A. Gordon
21 Attorneys for Defendants,
22 KIMBALL, TIREY & ST. JOHN LLP;
23 SHAWN BANKSON AND JANE
24 CREASON
25
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27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I.**
4 **INTRODUCTION**

5 On July 9, 2010, Sharon Bridgewater ("Plaintiff") filed a "Complaint for
6 Monetary Damages and Injunctive Relief" ("Complaint") against Kimball, Tirey &
7 St. John LLP ("KTS"), Jane Creason ("Creason") and Shawn Bankson
8 ("Bankson") (collectively, "Defendants"). This Complaint is just the latest in a
9 litany of baseless lawsuits filed by Plaintiff against some or all of above named
10 defendants arising out of an unlawful detainer action ("Unlawful Detainer") filed
11 by Hayes Valley Limited Partnership ("HVLP") against Plaintiff in San Francisco
12 Superior Court (CUD-06-617995) for possession of the premises located at 427
13 Page Street, San Francisco, CA 94102 ("Premises"). (A true and correct copy of
14 the Unlawful Detainer complaint is attached to Defendants' request for judicial
15 notice as Exhibit "A") Defendant KTS represented HVLP in the Unlawful
16 Detainer. Defendants Bankson and Creason are attorneys employed at KTS.

17 After the Unlawful Detainer was filed, Plaintiff entered into a stipulation for
18 entry of judgment, however, Plaintiff failed to perform under the stipulation and
19 judgment entered for restitution of the Premises and damages of \$638.00. (A true
20 and correct copy of the court judgment pursuant to the stipulation is attached to
21 Defendants' request for judicial notice as Exhibit "B") Thereafter, Plaintiff filed a
22 motion to vacate the judgment which, because it was unopposed, was granted by
23 the court. (A true and correct copy of the register of actions in the Unlawful
24 Detainer is attached to Defendants' request for judicial notice as Exhibit "C")
25 Plaintiff then filed an answer to the Unlawful Detainer. Thereafter, the parties
26 entered into a second stipulation for entry of judgment, whereby Plaintiff agreed to
27 vacate the Premises and forfeit the lease on or before April 30, 2008. In exchange
28

1 for Plaintiff's agreement to vacate the Premises by that date, HVL P agreed to
2 waive past due rent owed. (A true and correct copy of this stipulation and order is
3 attached to Defendants' request for judicial notice as Exhibit "D") On May 8,
4 2008, the Unlawful Detainer was dismissed with prejudice. (A true and correct
5 copy of the dismissal is attached to Defendants' request for judicial notice as
6 Exhibit "E").

7 Strangely, on or about March 6, 2009, Plaintiff filed another motion to
8 vacate judgment even though there was no judgment in the case and the matter had
9 been dismissed with prejudice. The motion was then denied on April 7, 2009. (See
10 Register of Actions attached as Exhibit "C" to Defendants' request for judicial
11 notice) Not to be out done, Plaintiff filed yet another motion to vacate judgment on
12 July 29, 2009. This motion was again denied on September 1, 2009 with the court
13 noting in its order that: "[Sharon Bridgewater's] motion is an improper and
14 untimely request for reconsideration without any basis in new law or facts; even if
15 considered on the merits." (A true and correct copy of the order denying Plaintiff's
16 motion to vacate judgment is attached to Defendants' request for judicial notice as
17 Exhibit "F").

18 Even before this time, Plaintiff had begun her numerous lawsuits in federal
19 court all of which were somehow based on the Unlawful Detainer. Indeed, to date,
20 Plaintiff has filed nine (9) lawsuits, more particularly described below, which all
21 arise out of the Unlawful Detainer. Plaintiff's modus operandi is to file a lawsuit,
22 dismissal of the complaint for failure to state a claim and/or lack of jurisdiction,
23 changing the causes of action in the complaint, and then re-filing the complaint.
24 Along the way, the dockets for these cases reveal numerous frivolous and improper
25 pleadings including: numerous amended pleadings, applications for temporary
26 restraining orders, separate statements of undisputed facts, applications for
27 receiverships and other filings to clog the court's docket. The typical complaint
28

1 from Plaintiff is seventy-five (75) pages long or more including exhibits.

2 On December 17, 2008, Plaintiff filed suit against HVLP and various other
3 defendants again alleging some misconduct in the Unlawful Detainer (3:08-cv-
4 05622-MHP). (A true and correct copy of the complaint in this action is attached to
5 Plaintiff's request for judicial notice as Exhibit "G") This suit was dismissed by the
6 court on its own motion based upon a lack of jurisdiction. The court noted in its
7 order that it appeared that the stipulation for judgment in the Unlawful Detainer
8 concluded the matter and that Plaintiff's remedy, if any, was in state court. (A true
9 and correct copy of the order of dismissal in this case is attached to Defendants'
10 request for judicial notice as Exhibit "H"; a true and correct copy of the civil
11 docket for this case is attached to Defendants' request for judicial notice as Exhibit
12 "I").

13 On August 3, 2009, Plaintiff filed another complaint against HVLP and
14 others again alleging misconduct in the Unlawful Detainer (4:09-cv-03551-PJH).
15 (A true and correct copy of this complaint is attached to Defendants' request for
16 judicial notice as Exhibit "J") This latest complaint alleged twenty two (22) causes
17 of action and sought damages in the amount of one trillion, four hundred billion,
18 eight hundred seventy-two million dollars (\$1,401,872,000,000). The court on its
19 own motion, dismissed this complaint on November 20, 2009. The court dismissed
20 Plaintiff's federal claims *with prejudice* for failure to state a claim and lack of
21 jurisdiction. The court declined to exercise jurisdiction over the remaining state
22 law claims. (A true and correct copy of the order of dismissal in this case is
23 attached to Defendants' request for judicial notice as Exhibit "K"; a true and
24 correct copy of the civil docket for this case is attached to Defendants' request for
25 judicial notice as Exhibit "L").

26 On August 7, 2009, Plaintiff filed yet another lawsuit, this time against
27 Defendants (4:09-cv-03639-SBA). (A true and correct copy of this complaint is
28

1 attached to Defendants' request for judicial notice as Exhibit "M") On December
2 1, 2009, before her August 7, 2009 case had concluded, Plaintiff again sued HVLP
3 and other parties in federal court (4:09-cv-05663-SBA). (A true and correct copy
4 of this complaint is attached to Defendants' request for judicial notice as Exhibit
5 "N") Again, both suits alleged misconduct in the Unlawful Detainer. Both lawsuits
6 were dismissed in a joint order again on the court's own motion, on January 19,
7 2010 for failure to state a claim, with the court again dismissing Plaintiff's federal
8 claims *with prejudice*. (A true and correct copy of the joint order of dismissal in
9 these cases is attached to Defendants' request for judicial notice as Exhibit "O";
10 true and correct copies of the civil docket for these cases are attached to
11 Defendants' request for judicial notice as Exhibits "P" and "Q", respectively).

12 On February 18, 2010, Plaintiff again filed suit against HVLP and others,
13 once again regarding facts and circumstances in the Unlawful Detainer (4:10-cv-
14 00703-SBA). (A true and correct copy of this complaint is attached to Defendants'
15 request for judicial notice as Exhibit "R") This suit has not yet been dismissed but
16 contains substantially the same allegations and claims contained in the present
17 lawsuit. Also on February 18, 2010, Plaintiff filed a motion seeking leave to file a
18 "Complaint for Civil Conspiracy" against KTS and the Attorney Defendants (4:10-
19 cv-00704-SBA).¹ (A true and correct copy of Plaintiff's motion is attached to
20 Defendants' request for judicial notice as Exhibit "S") The court denied this
21 motion and dismissed the complaint on February 26, 2010, again for failure to state
22 a claim. (A true and correct copy of the court's order denying the motion and
23 dismissing the complaint is attached to Defendants' request for judicial notice as
24 Exhibit "T"; true and correct copies of the civil dockets in case nos. 4:10-cv-
25 00703-SBA and 4:10-cv-00704-SBA, are attached to Defendants' request for
26

27 ¹ Plaintiff's reasoning in filing this motion may have stemmed from the order dismissing her complaint in state court
28 which required Plaintiff to seek leave of court to file a complaint for conspiracy under state law.

1 judicial notice as Exhibits "U" and "V", respectively).

2 Plaintiff has also filed two (2) state court actions in San Francisco Superior
3 Court again naming the above defendants (CGC-09-486994 and CGC-08-478207)
4 and again arising out of the Unlawful Detainer. (True and correct copies of the
5 complaints in these state court actions are attached to Defendants' request for
6 judicial notice as Exhibits "W" and "X", respectively) One of these lawsuits was
7 voluntarily dismissed without prejudice by Plaintiff. (A true and correct copy of
8 the request for dismissal is attached to Defendants' request for judicial notice as
9 Exhibit "Y") In the other case, the complaint was stricken by the court. (A true
10 and correct copy of the order striking the complaint is attached to Defendants'
11 request for judicial notice as Exhibit "Z").

12 Plaintiff filed the present complaint against Defendants on July 9, 2010. This
13 present complaint is no different than the previous six (6) lawsuits in federal court
14 and two (2) lawsuits in state court- it is completely devoid of any merit. Plaintiff
15 has yet to bring a lawsuit which states any cause of action against Defendants. This
16 suit is Plaintiff's latest attempt to re-litigate the Unlawful Detainer. Given
17 Plaintiff's history of litigiousness, it is likely these lawsuits will continue if not
18 properly impeded by this Court. Despite written opinions in several of the above
19 cases stating that her attacks on a state court lawsuit are improper, Plaintiff's
20 lawsuits keep coming with no end in sight.

21 Given Plaintiff's numerous frivolous lawsuits, good cause clearly exists to
22 declare Plaintiff a vexatious litigant.

23 ///

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1 II.
2 SUFFICIENT GROUNDS EXIST TO DECLARE PLAINTIFF
3 A VEXATIOUS LITIGANT

4 The All Writs Act, 28 U.S.C. § 1651(a), provides district courts with the
5 inherent power to enter pre-filing orders against vexatious litigants. Weissman v.
6 Quail Lodge Inc., 179 F.3d 1194, 1197 (9th Cir. 1999).

7 In Delong v. Hennessey, 912 F.2d 1144 (9th Cir. 1990), the ninth circuit set
8 forth four factors for district courts to examine before entering pre-filing orders
9 against vexatious litigants. Specifically,

10 First, the litigant must be given notice and a chance to be heard
11 before the order is entered. *De Long*, 912 F.2d at 1147. Second,
12 the district court must compile "an adequate record for review."
13 *Id.* at 1148. Third, the district court must make substantive
14 findings about the frivolous or harassing nature of the plaintiff's
15 litigation. *Id.* Finally, the vexatious litigant order "must be
16 narrowly tailored to closely fit the specific vice encountered."
17 *Id.*

18 Molski v. Evergreen Dynasty Corp., 500 F.3d 1047, 1057 (9th Cir. 2007)

19 In Molski, the ninth circuit approved of using *five* factors set forth in a
20 second circuit case, Saphir v. United States Lines Inc., 792 F.2d 19, 24, as a tool
21 to address the last *two* factors of the De Long test. Specifically, the factors set forth
22 in Saphir for determining whether a pre-filing order was appropriate were as
23 follows:

24 (1) the litigant's history of litigation and in particular whether it
25 entailed vexatious, harassing or duplicative lawsuits; (2) the
26 litigant's motive in pursuing the litigation, e.g., does the litigant
27 have an objective good faith expectation of prevailing?; (3)
28 whether the litigant is represented by counsel; (4) whether the
litigant has caused needless expense to other parties or has
posed an unnecessary burden on the courts and their personnel;

1 and (5) whether other sanctions would be adequate to protect
2 the courts and other parties.

3 Saphir v. United States Lines Inc., 792 F.2d 19, 24 (*See also, Rapazzini Winery,*
4 400 F. Supp. 2d 1208, 1210 (N.D. Cal. 2005) “The *Safir* test[’]s examination of
5 history of litigation, motive, and needless burden [is] useful in determining
6 whether the current filings are frivolous and the question of whether other
7 sanctions are adequate [is] similar to the Ninth Circuit’s requirement that any pre-
8 filing order be narrowly tailored”).

9 In seeking the present order, Defendants do not seek to completely bar
10 Plaintiff’s access to the courts. Defendants merely seek an order that Plaintiff
11 obtain leave of court before suing Defendants on claims arising out of the
12 Unlawful Detainer. Such an order would be in line with other vexatious litigant
13 cases in the ninth circuit. See e.g. Molski, 500 F.3d at 1065. (“We affirm the
14 district court’s order declaring Molski a vexatious litigant and requiring him to
15 obtain leave of the court before filing another ADA complaint in the Central
16 District of California.”) The factors set forth in Delong and Saphir are addressed
17 below.

18 **A. Plaintiff Will Be Given Notice of This Motion**

19 Under the first factor of Delong, the litigant must be given notice and a
20 chance to be heard before the order is entered. Here, Defendants are bringing this
21 motion in order to satisfy this requirement and will provide proper notice to
22 Plaintiff.

23 Thus, the first factor of the Delong test is met here.

24 **B. There is an Adequate Record for Review Before the Court**

25 The second factor in Delong requires that there be an adequate record for
26 review before Court. Here, Defendants have filed a request for judicial notice
27 concurrently with this motion. The request for judicial notice contains the
28

1 complaints from all the applicable federal and state lawsuits which Plaintiff has
2 filed which arise out of the Unlawful Detainer. These include six (6) federal
3 lawsuits and two (2) state lawsuits in the past several years. For those matters
4 which have been dismissed, Defendants have requested judicial notice of the
5 dismissal orders. Plaintiff has also requested judicial notice of the pleadings on file
6 in the Unlawful Detainer.

7 Given the ample evidence before the Court, there is certainly an adequate
8 record for review to declare Plaintiff vexatious.

9
10 **C. Based on the Record Before the Court, There is Ample Evidence**
11 **that Plaintiff's Lawsuits are Frivolous or Harassing**

12 The third factor of DeLong requires a showing that Plaintiff's lawsuits are
13 frivolous or harassing. In determining whether this is met, the Court may turn to
14 the first four (4) factors set forth in Saphir v. United States Lines Inc., as
15 mentioned above, namely:

16 (1) the litigant's history of litigation and in particular whether it
17 entailed vexatious, harassing or duplicative lawsuits; (2) the
18 litigant's motive in pursuing the litigation, e.g., does the litigant
19 have an objective good faith expectation of prevailing?; (3)
20 whether the litigant is represented by counsel; (4) whether the
21 litigant has caused needless expense to other parties or has
22 posed an unnecessary burden on the courts and their personnel .

23 ..
24 792 F.2d 19, 24. These factors will be addressed in order below.

25 **i. Plaintiff's history of litigation has entailed vexatious,**
26 **harassing and duplicative lawsuits**

27 As set forth in the facts above, this latest Complaint is Plaintiff's eighth (8th)
28 lawsuit in the last several years against some or all of the named defendants
regarding the Unlawful Detainer. Nearly every complaint has been dismissed or

1 stricken for failure to state a cause of action or for a lack of jurisdiction. Some of
2 Plaintiff's lawsuits were even filed *before* the conclusion of a prior duplicative suit.
3 Thus, Plaintiff clearly has a history of duplicative lawsuits. The orders of dismissal
4 in federal court were clearly drafted and should have put Plaintiff on notice that the
5 federal courts are not the proper venue to attack the Unlawful Detainer- and yet
6 Plaintiff continues to seek a remedy in federal court with slightly re-tooled
7 lawsuits. Three (3) of Plaintiff's federal lawsuits have been dismissed *with*
8 *prejudice* as to the federal claims. However, this hasn't stopped Plaintiff from
9 filing subsequent complaints based on the same operative facts. Such persistence
10 despite the clear orders from the northern district amounts to harassment.
11 Defendants have filed a motion to dismiss the present complaint based on FRCP
12 12(b)(1) and 12(b)(6) and good cause exists to grant the motion.

13 In fact, this isn't the first motion to declare Plaintiff a vexatious litigant
14 which has been filed. In one of the state court actions filed by Plaintiff (CGC-08-
15 478207), the defendant HVLP filed a motion to declare Plaintiff a vexatious
16 litigant. The motion was denied on November 19, 2009. However, in its order
17 denying the motion, the court ordered that: "... on noticed motion, or sua sponte,
18 after notice, [the court] may declare plaintiff SHARON BRIDGEWATER, a
19 vexatious litigant, in the event that [Bridgewater] takes further action to relitigate
20 issues already finally decided in [the Unlawful Detainer]." (A true and correct copy
21 of the state court's order denying the motion to declare Plaintiff a vexatious litigant
22 is attached to Defendants' request for judicial notice as Exhibit "1") Plaintiff has
23 filed three (3) lawsuits in federal court since entry of this order evidencing a clear
24 lack of respect for the judicial process. Plaintiff's persistence despite this order
25 shows just how vexatious she has become.

26 ///

27 ///

1 ii. Plaintiff does not have an *objective* good faith expectation of
2 prevailing

3 Plaintiff's exact motive in constantly pursuing litigation to revisit the
4 Unlawful Detainer is unclear. Plaintiff may have a subjective good faith belief that
5 she will eventually prevail. However, though we may not peer into her mind to
6 determine her *subjective* beliefs, it is clear that Plaintiff does not have an *objective*
7 good faith expectation of prevailing.

8 In the court orders dismissing her lawsuits she has been told repeatedly that
9 no remedy exists in federal court to re-litigate the Unlawful Detainer.

10 For instance, in the court's order dismissing Plaintiff's first lawsuit in
11 federal court (3:08-cv-05622-MHP), the court found that the stipulation in the
12 Unlawful Detainer "[c]learly, . . . contemplated finality." The court went on to
13 state that:

14 . . . the nature of plaintiff's complaint taken together with the
15 stipulated judgment in the state court action indicates that
16 plaintiff is attempting to revisit the state court action, even
17 though the claims are characterized differently. To the extent
 plaintiff has legitimate claims she should file them in state
 court and seek a re-opening of that action.

18 (See order dismissing case no. 3:08-cv-05622-MHP , attached to
19 Defendants' request for judicial notice as Exhibit "H" at p. 2, line 20-23)
20 Thereafter, in the court's order dismissing Plaintiff's second lawsuit in federal
21 court (4:09-cv-03551-PJH) the court put Plaintiff on further notice of the meritless
22 nature of the action stating that:

23 A losing party in state court 'is barred from seeking what
24 in substance would be appellate review of the state
25 judgment in a United States District Court, based on the
26 losing party's claim that the state judgment itself violates
27 the loser's federal rights.' Johnson v. DeGrandy, 512
 U.S. 997, 1005-06 (1994)

1 (See order dismissing case no. 4:09-cv-03551-PJH attached to Defendants'
2 request for judicial notice as Exhibit "K" at p. 6, line 19-25) The court went on to
3 dismiss Plaintiff's federal claims *with prejudice* and dismissed Plaintiff's state
4 claims without prejudice to re-filing in state court. Plaintiff was similarly
5 admonished in the court order dismissing Plaintiff's two (2) subsequent lawsuits
6 (4:09-cv-03639-SBA and 4:09-cv-05663-SBA). Plaintiff has continued to file
7 federal claims arising out of the Unlawful Detainer even though her prior federal
8 claims were dismissed with prejudice- a clear violation of the court orders. Further,
9 in case number 3:08-cv-05622-MHP, Plaintiff sought damages in the amount of
10 one trillion, four hundred billion, eight hundred seventy-two million dollars
11 (\$1,401,872,000,000)² which further illustrates Plaintiff's lack of objective, good
12 faith expectations.

13 Meanwhile, as set forth above, the San Francisco Superior Court has ordered
14 that Plaintiff may be declared a vexatious litigant if she files another state court
15 action based on the Unlawful Detainer. Despite the clear message from state and
16 federal courts, Plaintiff has continued her attempts to re-litigate the Unlawful
17 Detainer. At this point, the only way of impeding Plaintiff's unduly harassing
18 conduct is to declare Plaintiff a vexatious litigant.

19
20 **iii. Plaintiff Has Caused Significant Needless Expenses for the**
21 **Parties and Has Posed an Unnecessary Burden on the Court**

22 Though Defendants have not needed to file responsive pleadings in any of
23 Plaintiff's previous lawsuits, Defendants have expended significant time, effort,
24 and attorney's fees in reviewing, evaluating and monitoring Plaintiff's suits.
25 Because all of her suits have been completely devoid of merit, the expenditure of
26 these resources was needless.

27 ² Roughly the Gross Domestic Product of Spain.
28 <http://siteresources.worldbank.org/DATASTATISTICS/Resources/GDP.pdf>

1 Plaintiff's burden on the courts has been much more palpable. In addition to
2 Plaintiff's numerous lawsuits, a review of the dockets evidences many frivolous
3 pleadings and motions. Plaintiff has filed countless motions trying to relate all of
4 her baseless lawsuits. She's filed no less than eight (8) ex parte motions for
5 temporary restraining orders all of which have either been denied or rendered moot
6 by an order of dismissal. She has filed numerous amended complaints which failed
7 to cure any deficiency in the pleading. She has filed many pleadings which have no
8 proper place in this matter, for instance, she has filed two (2) motions to opt out of
9 Alternative Dispute Resolution; two (2) ex parte applications to appoint a receiver;
10 a statement of undisputed facts (without an accompanying motion for summary
11 judgment); an ex parte application to appoint counsel; and a motion to review
12 complaint, among others. Because Plaintiff's lawsuits have lacked any merit, her
13 various filings represent an unnecessary burden on the federal court system.
14

15 **D. The Court Can Narrowly Tailor its Order to Fit Plaintiff's**
16 **Offense**

17 Under the last prong of the Delong test the Court must inquire whether it can
18 narrowly tailor its order to fit Plaintiff's offense. Under this prong the Court may
19 also ask whether other sanctions would be adequate to protect the courts and other
20 parties as set forth in Saphir. Here, this Court can easily narrowly tailor its order to
21 fit Plaintiff's offense and declaring Plaintiff a vexatious litigant would be provide
22 protection to the courts and other parties.

23 Here, Plaintiff is guilty of one over-arching offense- filing frivolous lawsuits
24 based on the Unlawful Detainer. Thus, in fashioning its order, the court need only
25 require that Plaintiff obtain leave of court before filing another lawsuit against the
26 named defendants which arises out of the Unlawful Detainer. As mentioned above,
27 this is in line with other ninth circuit cases declaring a litigant vexatious. See e.g.
28

1 Molski, 500 F.3d at 1065.

2 Accordingly, as set forth above, because this case meets all requirements set
3 forth in Delong and Saphir, good cause exists to declare Plaintiff a vexatious
4 litigant.

5 **III.**

6 **CONCLUSION**

7 Given the above, good cause clearly exists to declare Plaintiff a vexatious
8 litigant. Therefore, it is respectfully requested that this declare Plaintiff a vexatious
9 litigant and order that Plaintiff obtain leave of court before filing any further
10 lawsuit arising out of the Unlawful Detainer.

11
12 *Respectfully submitted,*

13 DATED: August 3, 2010

KIMBALL, TIREY & ST. JOHN LLP

14
15
16 By: 

Eli A. Gordon
Attorneys for Defendant Kimball, Tirey
& St. John LLP

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PROOF OF SERVICE BY MAIL

I, Kristyann Brodecki, declare:

I am, and was at the time of service of the papers herein referred to, over the age of eighteen (18) years, and not a party to the within action. I am employed in the County of Orange, California, in which county the within-mentioned mailing occurred. My business address is 5510 Trabuco Road, Irvine, CA 92620.

On August 3, 2010, I served the following document(s):

**DEFENDANT KIMBALL, TIREY & ST. JOHN LLP'S MOTION TO
DECLARE PLAINTIFF, SHARON BRIDGEWATER A VEXATIOUS
LITIGANT**

on the following parties:

Sharon Bridgewater
12070 West Outer Drive
Detroit, MI 48223

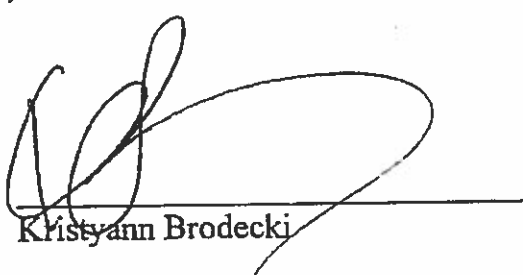
XX (BY MAIL) I placed a true and correct copy of the document(s) in a sealed envelope addressed as follows and I caused the envelope to be deposited in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid.

(BY FACSIMILE) I transmitted the documents by facsimile machine [from telephone number: (949) 502-5665, to each person listed in the above service list. The transmission(s) were reported as complete and without error. A copy of the transmission report is attached to this Proof of Service. This transmission report was properly issued by the transmitting facsimile machine.

(BY OVERNIGHT MAIL) I placed a true and correct copy of the document(s) in a sealed envelope addressed as follows and I caused the envelope to be deposited with OnTrac at Irvine, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 3, 2010, at Irvine, California.


Kristyann Brodecki

1 Karl P. Schlecht, Bar #182294
2 Abel Ortiz, Bar #198668
3 Eli A. Gordon, Bar #252823
4 Katherine E. Henggeler, Bar #267365
5 Kimball, Tirey & St. John LLP
6 5510 Trabuco Road
7 Irvine, CA 92620
8 Telephone: (949) 476-5585
9 Facsimile: (949)502-5665

10 Attorneys for Defendants
11 Kimball, Tirey & St. John LLP;
12 Jane Creason; Shawn Bankson

13
14 **IN THE UNITED STATES DISTRICT COURT**
15
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
17

18 SHARON BRIDGEWATER,

19 Plaintiff,

20 vs.

21 HAYES VALLEY LIMITED
22 PARTNERSHIP, (AKA, HAYES
23 VALLEY APARTMENTS II L.P.),
24 MCCORMACK BARON RAGAN
25 MANAGEMENT SERVICES INC.,
26 MBA URBAN DEVELOPMENT, CO.,
27 THE RELATED COMPANIES OF
28 CALIFORNIA, INC., SUNAMERICA
AFFORDABLE HOUSING
PARTNERSHIP, INC., SHAWN
BANKSON, JANE CREASON,
KIMBALL, TIREY & ST. JOHN LLP,
DOES 1 THROUGH 50 INCLUSIVE,

Defendants.

Hon. Judge Claudia Wilken

Case No. C 10-03022 EDL

[PROPOSED] ORDER

[Filed concurrently with:

- Notice of Motion and Motion to Dismiss; and
- Request for Judicial Notice]

Date: September 16, 2010

Time: 2:00 p.m.

Courtroom: 2, 4th Floor

Complaint Filed: July 9, 2010

1 The motion of Defendants Kimball, Tirey & St. John LLP; Jane Creason; and
2 Shawn Bankson ("Defendants") to dismiss Plaintiff Sharon Bridgewater's Complaint
3 pursuant to FRCP 12(b)(1) and 12(b)(6) came on regularly for hearing before this Court
4 on September 16, 2010 at 2:00 p.m. in Courtroom 4, located at 1301 Clay Street,
5 Oakland, CA 94612. Eli A. Gordon appeared on behalf Defendants. Plaintiff Sharon
6 Bridgewater appeared on behalf of herself.

7 After considering the moving and opposition papers, arguments of counsel and all
8 other matters presented to the Court, IT IS HEREBY ORDERED THAT the motion
9 under FRCP 12(b)(1) and 12(b)(6) is GRANTED and the Plaintiff's First Amended
10 Complaint is hereby dismissed forthwith with prejudice.
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13 DATED:

14 UNITED STATES DISTRICT JUDGE
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1 Karl P. Schlecht, Bar #182294
2 Eli A. Gordon, Bar #252823
3 Kimball, Tirey & St. John LLP
4 5510 Trabuco Road
5 Irvine, CA 92620
6 Telephone: (949) 476-5585
7 Facsimile: (949)502-5665

8 Attorneys for Defendants
9 Kimball, Tirey & St. John LLP;
10 Jane Creason; Shawn Bankson

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 SHARON BRIDGEWATER,

14 Plaintiff,

15 vs.

16 HAYES VALLEY LIMITED
17 PARTNERSHIP, (AKA, HAYES
18 VALLEY APARTMENTS II L.P.),
19 MCCORMACK BARON RAGAN
20 MANAGEMENT SERVICES INC.,
21 MBA URBAN DEVELOPMENT, CO.,
22 THE RELATED COMPANIES OF
23 CALIFORNIA, INC., SUNAMERICA
24 AFFORDABLE HOUSING
25 PARTNERSHIP, INC., SHAWN
26 BANKSON, JANE CREASON,
27 KIMBALL, TIREY & ST. JOHN LLP,
28 DOES 1 THROUGH 50 INCLUSIVE,

Defendants.

Hon. Judge Claudia Wilken

Case No. C 10-03022 EDL

[PROPOSED] ORDER

[Filed concurrently with:

- Notice of Motion and Motion to Dismiss; and
- Request for Judicial Notice]

Date: September 30, 2010

Time: 2:00 p.m.

Courtroom: 2

[Complaint Filed: July 9, 2010]

[First Amended Complaint Filed:
August 6, 2010]

1 The motion of Defendants Kimball, Tirey & St. John LLP; Jane Creason; and
2 Shawn Bankson ("Defendants") to dismiss Plaintiff Sharon Bridgewater's First Amended
3 Complaint pursuant to FRCP 12(b)(1) and 12(b)(6) came on regularly for hearing before
4 this Court on September 30, 2010, at 2:00 p.m. in Courtroom 2, located at 1301 Clay
5 Street, Oakland, CA 94612. Eli A. Gordon appeared on behalf Defendants. Plaintiff
6 Sharon Bridgewater appeared on behalf of herself.

7 After considering the moving and opposition papers, arguments of counsel and all
8 other matters presented to the Court, IT IS HEREBY ORDERED THAT the motion
9 under FRCP 12(b)(1) and 12(b)(6) is GRANTED and the Plaintiff's First Amended
10 Complaint is hereby dismissed forthwith with prejudice.
11

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13 DATED:

14 UNITED STATES DISTRICT JUDGE
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I am, and was at the time of service of the papers herein referred to, over the age of eighteen (18) years, and not a party to the within action. I am employed in the County of Orange, California, in which county the within-mentioned mailing occurred. My business address is 5510 Trabuco Road, Irvine, CA 92620.

[PROPOSED] ORDER

Sharon Bridgewater
12070 West Outer Drive
Detroit, MI 48223

(BY FACSIMILE) I transmitted the documents by facsimile machine [from telephone number: (949) 502-5665, to each person listed in the above service list. The transmission(s) were reported as complete and without error. A copy of the transmission report is attached to this Proof of Service. This transmission report was properly issued by the transmitting facsimile machine.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

3
Jill Adair

1 Karl P. Schlecht, Bar #182294
2 Eli A. Gordon, Bar #252823
3 Kimball, Tirey & St. John LLP
4 5510 Trabuco Road
5 Irvine, CA 92620
6 Telephone: (949) 476-5585
7 Facsimile: (949)502-5665

8 Attorneys for Defendants
9 Kimball, Tirey & St. John LLP;
10 Jane Creason; Shawn Bankson

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 SHARON BRIDGEWATER,

14 Plaintiff,

15 vs.

16 HAYES VALLEY LIMITED
17 PARTNERSHIP, (AKA, HAYES
18 VALLEY APARTMENTS II L.P.),
19 MCCORMACK BARON RAGAN
20 MANAGEMENT SERVICES INC.,
21 MBA URBAN DEVELOPMENT, CO.,
22 THE RELATED COMPANIES OF
23 CALIFORNIA, INC., SUNAMERICA
24 AFFORDABLE HOUSING
25 PARTNERSHIP, INC., SHAWN
26 BANKSON, JANE CREASON,
27 KIMBALL, TIREY & ST. JOHN LLP,
28 DOES 1 THROUGH 50 INCLUSIVE,

Defendants.

Hon. Judge Claudia Wilken

Case No. C 10-03022 EDL

**DEFENDANT KIMBALL, TIREY &
ST. JOHN LLP, JANE CREASON
AND SHAWN BANKSON'S
REQUEST FOR JUDICIAL
NOTICE**

[Filed concurrently with:

- Notice of Motion and Motion to Dismiss; and
- [Proposed] Order]

Date: September 30, 2010

Time: 2:00 p.m.

Courtroom: 2

[Complaint Filed: July 9, 2010]

[First Amended Complaint filed:
August 6, 2010]

1 **TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:**
2 **PLEASE TAKE NOTICE** that at the hearing on the **MOTION TO DISMISS**
3 **PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO FRCP**
4 **12(b)(1) AND 12(b)(6), currently scheduled to take place** on September 30,
5 2010, at 2:00 p.m., or as soon thereafter as the matter can be heard, in Courtroom 2
6 of the above-entitled Court, located at 1301 Clay Street, Oakland, CA 94612,
7 Defendants KIMBALL, TIREY & ST. JOHN LLP; JANE CREASON; AND
8 SHAWN BANKSON, ("Defendants") will hereby request judicial notice of the
9 facts and records set forth herein pursuant to Federal Rule of Evidence 201:

10
11 **REQUEST OF JUDICIAL NOTICE**

12 Request No. 1: Defendants request judicial notice of the Complaint in the
13 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
14 U.S. District Court, Northern District of California, Case No. 3:08-cv-05622-MHP
15 filed December 17, 2008. A true and correct copy of this Complaint is attached
16 hereto as Exhibit "A".

17 Request No. 2: Defendants request judicial notice of Order dismissing the
18 complaint in the lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited
19 Partnership, et al., U.S. District Court, Northern District of California, Case No.
20 3:08-cv-05622-MHP entered January 27, 2009. A true and correct copy of the
21 Order of Dismissal is attached hereto as Exhibit "B".

22 Request No. 3: Defendants request judicial notice of the Complaint in the
23 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
24 U.S. District Court, Northern District of California, Case No. 4:09-cv-03551-PJH
25 filed August 3, 2009. A true and correct copy of this Complaint is attached hereto
26 as Exhibit "C".

27 ///

28 ///

1 Request No. 4: Defendants request judicial notice of order dis.
2 Complaint in the lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited
3 Partnership, et al., U.S. District Court, Northern District of California, Case No.
4 4:09-cv-03551-PJH entered November 20, 2009. A true and correct copy of the
5 Order of Dismissal is attached hereto as Exhibit "D".

6 Request No. 5: Defendants request judicial notice of the Complaint in the
7 lawsuit entitled, Sharon Bridgewater v. Kimball, Tirey & St. John LLP et. al., U.S.
8 District Court, Northern District of California, Case No. 4:09-cv-03639-SBA filed
9 August 7, 2009. A true and correct copy of this Complaint is attached hereto as
10 Exhibit "E".

11 Request No. 6: Defendants request judicial notice of the Complaint in the
12 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
13 U.S. District Court, Northern District of California, Case No. 4:09-cv-05663-SBA
14 filed December 1, 2009. A true and correct copy of this Complaint is attached
15 hereto as Exhibit "F".

16 Request No. 7: Defendants request judicial notice of the Joint Order
17 dismissing the Complaints in the lawsuits entitled, Sharon Bridgewater v. Kimball,
18 Tirey & St. John LLP et. al., U.S. District Court, Northern District of California,
19 Case No. 4:09-cv-03639-SBA and Sharon Bridgewater v. Hayes Valley Limited
20 Partnership, et al., U.S. District Court, Northern District of California, Case No.
21 4:09-cv-05663-SBA, respectively, entered January 19, 2010. A true and correct
22 copy of the Joint Order of Dismissal is attached hereto as Exhibit "G".

23 Request No. 8: Defendants request judicial notice of Plaintiff's Motion
24 For Leave to File Complaint in the lawsuit entitled, Sharon Bridgewater v. Kimball,
25 Tirey & St. John LLP et. al., U.S. District Court, Northern District of California,
26 Case No. 4:10-cv-00704-SBA filed February 18, 2010. A true and correct copy of
27 this motion is attached hereto as Exhibit "H".

28 ///

1 Request No. 9: Defendants request judicial notice of Order Denying
2 Plaintiff's Motion for Leave to File Complaint and dismissing the Complaint in the
3 lawsuit entitled, Sharon Bridgewater v. Kimball, Tirey & St. John LLP et. al., U.S.
4 District Court, Northern District of California, Case No. 4:10-cv-00704-SBA
5 entered February 26, 2010. A true and correct copy of the order of dismissal is
6 attached hereto as Exhibit "I".

7 Request No. 10: Defendants request judicial notice of the Complaint in the
8 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
9 U.S. District Court, Northern District of California, Case No. 4:10-cv-00703-SBA
10 filed February 18, 2010. A true and correct copy of this Complaint is attached
11 hereto as Exhibit "J".

12 Request No. 11: Defendants request judicial notice of the Complaint in the
13 lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited Partnership, et al.,
14 San Francisco County Superior Court, Case No. CGC-08-478207 filed
15 August 4, 2008. A true and correct copy of this Complaint is attached hereto as
16 Exhibit "K".

17 Request No. 12: Defendants request judicial notice of the Request for
18 Dismissal in the lawsuit entitled, Sharon Bridgewater v. Hayes Valley Limited
19 Partnership, et al., San Francisco County Superior Court, Case No. CGC-08-
20 478207 entered February 25, 2009. A true and correct copy of this Request for
21 Dismissal is attached hereto as Exhibit "L".

22 Request No. 13: Defendants request judicial notice of the First Amended
23 Complaint in the lawsuit entitled, Sharon Bridgewater v. Kimball, Tirey & St. John
24 LLP et. al., San Francisco County Superior Court, Case No. CGC-09-486994 filed
25 April 20, 2009. A true and correct copy of this Complaint is attached hereto as
26 Exhibit "M".

27 ///

28 ///

1 Request No. 14: Defendants request judicial notice of the Order striking
2 Plaintiff's First Amended Complaint in the lawsuit entitled, Sharon Bridgewater v.
3 Kimball, Tirey & St. John LLP et. al., San Francisco County Superior Court, Case
4 No. CGC-09-486994 entered April 23, 2009. A true and correct copy of this
5 Complaint is attached hereto as Exhibit "N".

6
7 DATED: August 20, 2010

Respectfully submitted,

KIMBALL, TIREY & ST. JOHN LLP

9
10 By: 

Eli A. Gordon
Karl P. Schlecht
Attorney for Defendant KIMBALL,
TIREY & ST. JOHN LLP; Jane
Creason; Shawn Bankson

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