

FAX COVER SHEET

TO	Senate Judiciary Committee
COMPANY	U.S. Senate
FAX NUMBER	12022249516
FROM	DONGXIAO YUE
DATE	2009-09-23 18:27:47 GMT
RE	COMPLAINT AGAINST Judicial Nominee Chen

COVER MESSAGE

Please deliver the attached documents to the Senate Judiciary Committee for the hearing on September 23, 2009 for Chen's nomination to federal bench.



Office of the Clerk
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

James R. Browning United States Courthouse
95 Seventh Street
San Francisco, California 94103-1526



Cathy A. Catterson
Clerk of Court

June 29, 2007

(415) 355-8000

Dongxiao Yue


Re: Complaint of Judicial Misconduct No. 07-89078

Dear Mr. Yue:

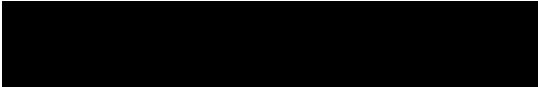
We have received the complaint of judicial misconduct filed pursuant to 28 U.S.C. § 351(a) against Magistrate Judge Chen. Docket Number 07-89078 has been assigned to this matter.

Pursuant to the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability, a copy of the complaint has been forwarded to Chief Judge Schroeder, Chief Judge Walker, Chief Magistrate Judge Larson and Magistrate Judge Chen.

Very truly yours,



Cathy A. Catterson

CAC/gb


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UNITED STATES COURTS
NINTH CIRCUIT COURT OF APPEALS

COMPLAINT OF JUDICIAL MISCONDUCT
AGAINST
MAGISTRATE JUDGE EDWARD M. CHEN
STATEMENT OF FACTS

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INTRODUCTION

This complaint, brought under 28 U.S.C. §351(a), alleges that Magistrate Judge Hon. Edward M. Chen ("Magistrate Chen" or "Chen") demonstrated a pattern of bias and prejudice in handling a FRCP Rule 11 sanction motion filed in the case titled Netbula, LLC v. BindView Development Corp, et al (C06-0711-MJJ, Northern District of California).

BACKGROUND OF THE EVENTS LEADING TO THIS COMPLAINT

In January 2006, Complainant's firm, Netbula, LLC ("Netbula" or "Plaintiff"), filed a copyright infringement lawsuit against BindView Development Corp, et al. On May 15, 2006, the parties held an informal confidential settlement conference. Six people attended the meeting: Complainant ("Yue"), Plaintiff's former counsel Neil A Smith, three defense lawyers (including Mr. Jedediah Wakefield) and a representative of a defendant company. Prior to the meeting, each side requested many categories of documents from the other side. The Complainant brought to the meeting a folder of key documents requested by defendants, including documents evidencing license and pricing of the copyrighted work. Defendants also brought some but not all the requested documents¹.

In July 2006, Mr. Richard Antognini, who had no personal knowledge of the May 15, 2006 meeting, substituted Neil Smith as Plaintiff's counsel. On September 29, 2006, the parties filed a Joint Case Management Statement ("JCMS") (Docket No. 40). In the Section titled "*Description of Events Submitted by Defendants*", defendants wrote:

On May 15, 2006, BindView, Symantec (through their current outside counsel) and Netbula (through its former counsel) met to discuss a possible settlement of this matter... **Symantec and BindView provided the materials requested of them... Netbula, on the other hand, did not provide *any* of the materials requested of them.**

(JCMS, p.4:22-27, emphasis added)

In subsequent court filings, defense counsel repeated similar allegations. On November 7, 2006, Complainant filed a declaration to refute Defendants' accusations (Don Yue Decl, Docket No. 57). Despite Yue's effort to clarify the events surrounding the May 15, 2006 meeting, defendants persisted with their allegation that Plaintiff produced no requested documents for the May 15 meeting in discovery motions they later filed.

¹ Out of the nine categories of documents requested by Plaintiff, Defendants brought documents for four categories.

1 On March 14, 2007, Plaintiff served defense counsel a Rule 11 motion, alleging
2 five violations. One was about Defendants' allegation about the May 15, 2006 meeting in
3 the JCMS. Another was about an affirmative defense in Defendants' Second Amended
4 Answer filed in December 2006.

5 On April 6, 2007, after defense counsel refused to withdraw or correct the papers,
6 Plaintiff filed the Rule 11 motion (Docket No. 103). On April 24, 2007, the Rule 11 Motion
7 was referred to Magistrate Chen. On June 6, 2007, a hearing was held before him. On
8 June 11, 2006, Chen denied Plaintiff's Rule 11 motion for being untimely. Docket No. 193.
9 In the same order, Chen awarded defense counsel \$20,000 in attorney's fees.

10 JUDICIAL MISCONDUCT FACTS

11 A. Events at the Rule 11 Motion hearing on June 6, 2007

12 At the very beginning of the Rule 11 Motion hearing, Magistrate Chen indicated that
13 he was inclined to deny the Rule 11 Motion for failing to meet the safe-harbor provision of
14 the Rule 11, despite the fact the Rule 11 motion was filed twenty-three (23) days after it
15 was served. Chen then went onto how much attorney's fees should be awarded to
16 defense counsel. After the argument about fees was heard, Chen refused to hear about
17 the merits and took the matter under submission.

18 B. Magistrate Chen's misconduct

19 In reaching his decision of denying Plaintiff's Rule 11 motion and awarding Defense
20 counsel \$20,000 in fees, Magistrate Chen performed a set of mischaracterizations and
21 distortions of the record.

22 1. Mischaracterization on the *Price v. Hawaii* case

23 In their Opposition to the Rule 11 Motion, Defendants cited *Price v. Hawaii*, 789 F.
24 Supp 330, 335-336 (D. Haw. 1992) to support their argument that the Rule 11 Motion
25 was untimely. In its Reply brief, Plaintiff pointed out that *Price* was not comparable
26 because there the Rule 11 motion was filed two years after dismissal of the case. Plaintiff
27 cited *another* case in which an attorney was sanctioned more than one year after the
28 frivolous contentions were filed.

Defendants relied on *Price*. Judging from his ruling, Chen adopted Defendants'
theory wholesale.

Remarkably, Chen wrote in his ruling:

Netbula's reliance on *Price v. Hawaii*, 789 F. Supp. 330 (D. Haw.
1992), is not well placed. There, the court did note that "in the case
of pleadings the sanctions issue under Rule 11 normally will be

1 determined at the end of the litigation"; ...**The instant case**
2 **involves contentions made in motions, and not pleadings.**

3 *Chen's June 11, 2007 Ruling, Docket 193, pp.2:26-3:4*

4 **2. False characterization of Plaintiff's Rule 11 Motion**

5 One of the alleged Rule 11 violations was in defendants' affirmative defenses in their
6 Second Amended Answer (filed in December 2006). Affirmative defenses are pleadings.

7 Chen's assertion that the contentions did not involve pleadings is thus patently false.

8 **3. Mischaracterization of the record regarding the May 15, 2006 meeting**

9 In the JCMS, Defendants alleged that "Symantec and BindView provided the
10 materials requested of them... Netbula, on the other hand, did not provide *any* of the
11 materials requested of them." Defendants' message was simple: Defendants good,
12 Plaintiff bad.

13 Chen wrote:

14 "In any event, Defendants' statement was not misleading.
15 Netbula had not produced all the documents requested."

16 *Chen's June 11, 2007 Ruling, Docket 193, p.4:15-16.*

17 Chen obtained the conclusion that "*Defendants' statement was not misleading*" by
18 mischaracterizing the record. If Chen quoted the original language defendants wrote
19 ("Netbula...did not provide *any* of the materials requested of them."), the misleading and
20 prejudicial nature of defendants' statement would be undeniable.

21 Had Defendants stated that "Netbula had not produced all the documents
22 requested" as Magistrate Chen suggested, it would have implied that Netbula brought
23 some documents requested, and there would have been no dispute at all.

24 Chen twisted the records to put defendants in a favorite light.

25 **4. Chen's decision on fee award was driven by bias**

26 Magistrate Chen then went on to fees:

27 The question is what are reasonable fees in this instance... the fee award
28 should not be nominal. Although the Rule 11 motion was clearly
untimely, Defendants reasonably addressed the merits of the motion as
well as the procedural defenses because there was no guarantee that the
Court would deny the motion on a procedural basis. Moreover, even if
there were a strong likelihood that the Court would deny the motion,

1 defense counsel's credibility had been attacked, and they were entitled to
2 defend against the charge that they had acted frivolously, a grave charge.

3 *Magistrate Chen's June 11, 2007 Ruling*, pp.5:23-6:23

4 From the quotes above, Chen predicated his fee calculation on the "credibility" of
5 the defense counsel² or Plaintiff's "attack" on it – without first determining whether
6 Plaintiff's attack was legitimate. Chen sought to use fee awards as a punitive or
7 retaliatory measure against Plaintiff for its "grave charge" that defense counsel "had
8 acted frivolously." Chen ignores "the plain language of the rule": "when one party files a
9 motion for sanctions, the court must determine whether any provisions of subdivision (b)
10 have been violated." *Warren v. Guelker*, 29 F.3d 1386 (9th Cir. 1994). Chen simply sides
11 with a big law firm and lashes back against an easy target – a solo practitioner who had
12 been frustrated by defendants' conduct and tried to seek court's enforcement of the Rule.

13 **5. Chen's fee award is arbitrary and encourages frivolous filings**

14 The Magistrate continued on his fee award discussion as follows

15 In addition, contrary to Netbula's assertion, the factual investigation
16 needed to respond to the Rule 11 motion on the merits was not a task
17 that could quickly be accomplished. For example, a **fair amount of**
18 **time was reasonably expended to look into the history of events**
19 **surrounding the May 15, 2006, settlement meeting.**

20 Given the circumstances, having reviewed the opposition brief and
21 affidavit, the Court concludes that an award of \$20,000 is reasonable.

22 *Chen's June 11, 2007 Ruling*, pp.5:23-6:23, emphasis added.

23 Defense counsel had a duty to perform a competent inquiry before they file papers
24 about the confidential May 15, 2006 meeting³. With the Rule 11 motion, Plaintiff forced
25 defense counsel to change their position and admit for the first time that Complainant did
26 bring documents to the meeting. Yet, Chen ordered Plaintiff to pay Defense counsel a
27 good amount of money for looking into the "*history of events surrounding the May 15,*
28 "*2006, settlement meeting.*" (That meeting, which happened four months before the JCMS
was filed, lasted about two hours).

² Defense counsel is from Fenwick & West LLP, a large law firm. Plaintiff's counsel is a solo practitioner who held a small office.

³ Complainant contends that it was unethical for defendants to tell the court about that confidential settlement conference in the first place.

1 **6. Chen's total bias in his ruling**

2 Due to the page limit, complainant is unable to list other evidence of bias and
3 prejudice permeated in Chen's ruling. For instance, Plaintiff alleged three frivolous sub-
4 allegations by defendants in their December 2006 Second Amended Answer. Chen
5 ignored two of the plainly frivolous sub-allegations. Chen also ignored the fact that
6 Plaintiff repeatedly alerted defendants to their frivolous allegation about the publication
7 date of the copyrighted work. Chen then blamed Plaintiff for not trying to resolve the
8 dispute between the parties before filing the Rule 11 motion with the court.

8 **7. Chen's false pretense for the concern of "expenditure of judicial resources"**

9 Chen claimed that he was concerned about "expenditure of judicial resources." In
10 its briefs, Plaintiff argued that defendants could have avoided burdening the court with
11 the Rule 11 Motion by candidly withdrawing or correcting their papers. Instead,
12 defendants attempted to intimidate Plaintiff into giving up the Rule 11 motion. Therefore,
13 Defendants should be held responsible for the consumption of judicial resources. Chen
14 ignored this argument.

15 The central purpose of Rule 11 is to deter baseless filings. If Magistrate Chen had
16 been really concerned about "judicial resources," he would have made a well-researched
17 and legally sound ruling that would limit further dispute. Instead, he made a patently
18 biased ruling that will lead to protracted proceedings.

19 **CONCLUSION**

20 The evidence above shows that Magistrate Judge Chen acted with bias, prejudice,
21 arbitrariness, negligence and lack of concern for the rules of the court. Moreover, the
22 legal errors Magistrate Chen made were so egregious that they are tantamount to judicial
23 misconduct. Since the alleged conduct is prejudicial to the effective and expeditious
24 administration of the business of the courts, Complainant asks the court to take
25 appropriate disciplinary action.

26 Dated: June 19, 2007

27 By:



28 Dongxiao Yue

Attachment: EXHIBITS

FILED

OCT 19 2007

CATHY A. CATTERSON, CLERK
U. S. COURT OF APPEALS

No. 07-89078
ORDER AND
MEMORANDUM

Judicial Misconduct

Complainant's exhibits, including the parties' motions

and the judge's order, were carefully reviewed.

Complainant's allegations that the judge mischaracterized the record, ignored allegations in the motion, and made errors of law, relate to the merits of the judge's ruling. A complaint will be dismissed if it is directly related to the merits of a judge's ruling or decision in the underlying case. 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1). A challenge to a judge's rulings should be sought through the correct review procedure and not through the procedures for judicial misconduct. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982) (If complainant wants to challenge the judge's rulings, correct review procedure, "not the procedures for judicial misconduct, [is] the proper remedy.") Only a court has the power to change a decision or ruling. The judicial council, the body that takes action under the misconduct complaint procedure, does not have that authority. Even multiple or very wrong legal decisions may be addressed under the ordinary course of appellate review. These charges, therefore, are dismissed.

Complainant failed to include any objectively verifiable proof other than the judge's order supporting his allegation of bias and prejudice. Conclusory charges that are wholly unsupported, as here, will be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3). This charge, therefore, is dismissed.

COMPLAINT DISMISSED.

May M. Chow
Chief Judge



December 18, 2007

Clerk of the Court
United States Court of Appeals for the Ninth Circuit
P. O. Box 193939
San Francisco, CA 94119-3939

Re: Complaint of Judicial Misconduct No. 07-89078

Dear Clerk of the Court,

I hereby petition the judicial council for review of chief judge's order (the "Order") dismissing my complaint against Magistrate Judge Edward M. Chen for judicial misconduct.

Applying the Standards referenced in the September 2006 Report by the committee led by Justice Stephen Breyer ("Implementation of the Judicial Conduct and Disability Act of 1980"), I believe that the Order's merit-related dismissal was unwarranted. My complaint did not seek a review of the decisions made by Magistrate Judge Chen, but merely raised issues on the apparent bias, prejudice and arbitrariness in the way he issued the ruling.

Standard 2 of the Committee says that "an allegation... that the judge ruled against the complainant because the complainant was [in certain category], is not merits-related." My complaint alleged that Magistrate Judge Chen ruled against my firm because he chose an easy target to "lash". Therefore, my complaint was not merits-related.

The Order made no analysis of the allegations, but merely stated that the complaint "failed to include any objectively verifiable proof other than the judge's order." However, the Complaint alleged that "Chen refused to hear about the merits" at the Rule 11 motion hearing. Complaint at p.2:12-24.

Committee Standard 4 states:



Indeed, a complaint need not itself identify a particular transcript or witness... Depending on what the transcript or the witnesses reveal, it may be appropriate for the chief judge to question the judge complained against.

The Order cited 28 U. S. C. 352(b)(1)(A)(iii), but did not conclude that the complaint was “[f]rivolous, lacking sufficient evidence to raise an **inference** that misconduct has occurred.” The complaint inferred that Magistrate Judge Chen’s handling of the Rule 11 motion was out of bias and failed to even maintain the appearance of justice.

What Magistrate Chen allegedly did was pervasive twisting of the facts and record to fit his conclusion. Does such pervasive twisting raise an inference of misconduct? Or is such pervasive twisting merits related?

I believe that the twisting of facts and record are not merits related, because the alleged misconduct is the act of “twisting”, not the act of deciding the case based on the product of the twisting.

I am not complaining about Magistrate Chen’s ruling derived from the “twisted facts and record” – that would be the subject of an appeal. I am complaining about “the act of twisting.” Twisting is an act to create falsehood, no person should do it. A federal magistrate judge should be held to an even higher standard.

The inquiry is an objective one: identify the facts and allegations in the record and determine whether Judge Chen twisted them.

For the foregoing reasons, I respectfully petition the council for a review of the chief judge’s order of dismissal.

Sincerely,



Dongxiao Yue

Letter to Senator Franken Re Judicial Nominee Edward M. Chen

September 23, 2009

Senator Al Franken
U.S. Senate Committee on the Judiciary; and
Members of the Senate Committee on the Judiciary
433 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Franken and Honorable Members of the Senate Judiciary Committee,

As a member of the American Justice Group, I previously requested to testify at today's Judiciary Committee hearing in opposition to confirming Edward M. Chen to the federal judgeship. I also submitted documents that showed Chen's lack of integrity and intellectual honesty.

At today's hearing, Chen stated his belief that personal prejudices founded upon ethnic background is legitimate discretion in judging a case. Chen also revealed that judges in the Northern District of California discussed cases in the hallway and at lunch. Chen's statements were disturbing admissions.

Ex parte communications among judges threaten impartial decision-making. In my company's copyright case against a large company, after I criticized Chen's distortions and filed a judicial misconduct complaint against him, the presiding judge retaliated against me by dismissing my company's claims, inventing the infamous "Jenkins-Laporte Doctrine", which seriously undermined U.S. Copyright Law.

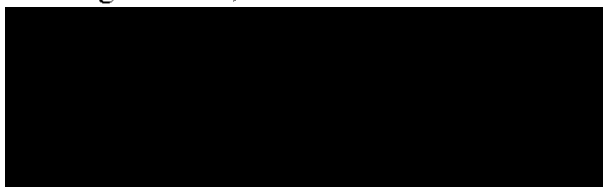
At the conclusion of today's hearing, Senator Franken acknowledged that the Judiciary Committee had received letters in support of Chen, but did not mention the letters against Chen. Such an omission may create a mistaken public impression that the Committee received no opposition letters. My telephone inquiry with the Committee's Majority Office confirmed that it received the letters and documents opposing Chen. A complete record should reflect that Chen did meet opposition to his nomination.

I request to testify before the full U.S. Senate against Chen's confirmation. Please forward my request to the proper Senate body.

Sincerely,



Dongxiao Yue, Ph. D.



Cc: Members of the U.S. Senate



September 16, 2009

Senator Patrick J. Leahy
Chairman of the U.S. Senate Committee on the Judiciary; and
Members of the Senate Committee on the Judiciary
433 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Senate Leahy and Honorable Members of the Judiciary Committee,

As a member of the American Justice Group, I request to testify in opposition to the confirmation of Edward M. Chen to the Article III judgeship of the United States. I have previously filed a judicial misconduct complaint against Chen, alleging willful distortion and mischaracterization of record in order to curry favor with big money.

My testimony will focus on Chen's character and his judicial style, based on my experience on how he conducts hearings and writes opinions. I believe that I can aid Congress in its due diligence in checking the qualifications of Chen before appoint him to the lifetime tenure of a federal judge.

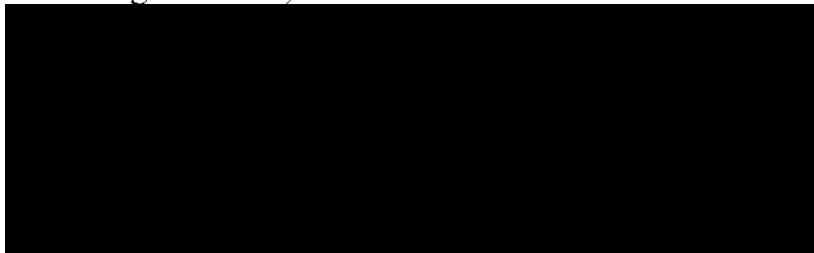
The potential damage to the United States and the people due to the failure to perform a full examination of Chen may be immeasurable.

I request to testify at Chen's committee hearing scheduled for September 23, 2009. I am attaching a brief statement of fact, and will provide additional documents to support my testimony against Chen.

Sincerely,

A handwritten signature in black ink, appearing to read "Dongxiao Yue", written over a faint dotted rectangular box.

Dongxiao Yue, Ph. D.



Statement of Fact in Opposition to the Confirmation of Judicial Nominee Edward M. Chen

The following statement of fact shows how Chen handled a case in which a large powerful company was the defendant.

In January 2006, Netbula, LLC, a small software company, sued Symantec Corporation for copyright infringement (case number C06-0711-MJJ (N.D. Cal)). Before Symantec answered the complaint, the parties held a private settlement meeting on May 15, 2006. Dr. Yue, on behalf of Netbula, brought a stack of important documents, and the parties discussed them. The meeting did not result in a settlement. At the ending of the meeting, the Symantec executive declined to take the documents.

Later, Symantec informed the Court that in the May 15, 2006 meeting “Symantec ... provided the materials requested of them... Netbula, on the other hand, did not provide any of the materials requested of them.”

Symantec also accused Netbula of “unclean hands” in its affirmative defenses. Netbula’s copyright certificate stated that its software was first published in September 1996. Symantec alleged that Netbula did not exist until a year later and accused Netbula of cheating the Copyright Office.

Since Symantec did not provide any factual basis for its allegation, Netbula pointed out in court filings that Symantec’s allegation was baseless. But Symantec ignored Netbula’s protest and continued to make the similar accusations in its affirmative defenses filed with the Court in December 2006.

Symantec also continued to tell the Court that Netbula did not bring any documents to the May 15, 2006 meeting. Frustrated, on March 14, 2007, Netbula’s new lawyer, a young black woman, served a Rule 11 motion on defense counsel.

Symantec’s lawyers was given a 21-day “safe-harbor” period to withdraw their misrepresentations, but they refused. On April 6, 2007, after the expiration of the safe-harbor period, Netbula filed the Rule 11 motion with the District Court. The presiding judge referred the motion to Edward M. Chen.

In the briefing of its Rule 11 motion, Netbula referred to a May 16, 2006 email sent by Symantec’s attorney Jedediah Wakefield, in which he discussed the documents Dr. Yue brought to the meeting the previous day. That email was copied onto two other Symantec lawyers. Faced with this evidence, Symantec admitted that Netbula did bring documents to the May 15 meeting.

Symantec also admitted that it was mistaken about the year of Netbula’s formation. It explained that its lawyers did not check Delaware records; they only checked California records.

Chen conducted the hearing of Netbula’s Rule 11 motion on June 7, 2007. First, he said that case law on Rule 11 motions was scarce. After he noted that Netbula’s lawyer was a young solo practitioner, he stated that Netbula was

wasting court resources and he was inclined to side with Symantec.

On June 11, 2007, Chen issued a ruling that denied Netbula's motion and awarded Symantec \$20,000.00 in attorneys' fees.

Rule 11 of Federal Civil Procedure does not set a time limit for filing the motion. In its papers, Netbula cited precedents where Courts granted Rule 11 motions more than a year after the violation, and noted that Netbula's motion was made only three months after the last alleged violation. Chen disagreed. He wrote:

Netbula's Rule 11 motion was untimely because it was not filed until many months after Defendants' offending contentions were made... The instant case involves contentions made in motions, and not pleadings.

But, Netbula sought sanctions for Symantec's false statements in its Affirmative Defenses filed in December 2006. Affirmative defenses are pleadings, not motions.

On the May 15, 2006 meeting, Chen wrote:

"In any event, Defendants' statement was not misleading. Netbula had not produced all the documents requested."¹

On the issue of when Netbula was founded, Chen admitted that Symantec was wrong, but he blamed Netbula²:

although it appears that Defendants' could have easily determined the date Netbula was organized in Delaware and thus presents the strongest case for service of a Rule 11 motion, this issue illustrates why the safe harbor provision is important... Netbula should have asked Defendants to withdraw the contention because Netbula was incorporated earlier in Delaware. It could have easily document such to Defendants' satisfaction. Netbula did not do so. In fact, even in its reply brief, Netbula failed to bring this corrective information to Defendants' and the presiding judge's attention.

After putting the blame on the party who was telling the truth, Chen wrote why the Symantec's attorneys should be awarded \$20,000.00:

defense counsel's credibility had been attacked, and they

¹ Neither side brought ALL documents requested to the May 15 meeting. Symantec's allegation was that Netbula did not bring ANY document.

² As stated above, Netbula had no idea why Symantec accused Netbula of not founding until 1997. Symantec did not provide supporting affidavit for its factual contentions. Netbula always presented itself as "a Delaware Limited Liability Company" and Defense counsel knew it from the beginning. Netbula filed the Rule 11 motion after the expiration of the 21-day "safe-harbor" period and AFTER Symantec to correct its misrepresentations and mistakes.

were entitled to defend against the charge that they had acted frivolously, a grave charge... the factual investigation needed to respond to the Rule 11 motion on the merits was not a task that could quickly be accomplished. For example, a fair amount of time was reasonably expended to look into the history of events surrounding the May 15, 2006, settlement meeting. Given the circumstances, having reviewed the opposition brief and affidavit, the Court concludes that an award of \$20,000 is reasonable.

On August 6, 2007, the presiding judge held that Chen's finding was erroneous. The judge ruled that Netbula's motion was too early, rather than too late:

Plaintiff points out that the magistrate judge erroneously found that the Rule 11 motion did not involve pleadings, since Plaintiff did request that the Court impose sanctions on Defendants for claimed mischaracterizations in their second amended answer. However, this argument does not undermine the *conclusion* that the motion is untimely... Rule 11 motion for sanctions arising from Defendants' pleading was untimely because Plaintiff filed it too *early* by not awaiting the end of the case.

Another Magistrate Judge, Hon. Wayne D. Brazil, had the following to say about Symantec attorneys and the May 15, 2006 meeting:

THE COURT (Judge Brazil asking Symantec lawyer): Were you at that meeting, May 15th?

MR. WAKEFIELD (Symantec lawyer): I was, Your Honor.

THE COURT: Okay. And they said -- they say they produced a bunch of documents, showed, disclosed, offered for you guys to keep. No, no, we don't want them piecemeal. We want the whole 9 yards, otherwise we don't get paid enough money....

THE COURT: ...Most litigants cannot come here because the profit per partner³ is \$900,000 a year. This is a mirage of an institution for everybody except general motors. And that's shameful to our society. So that's -- that's the context here.

Dated: September 16, 2009



By: _____
Dongxiao Yue, Ph. D.

³ Mr. Wakefield was a partner at the defense lawfirm.

RE: Judicial Nominee Edward M. Chen's Statement to the Senate

To: U.S. Senate Judiciary Committee

Attachment: (1) Chen's Statement to the Senate (p.41); and

(2) Docket Sheet of the Chang v. Berkeley Case

On page 41 of Judge Edward Milton Chen's Answer to the Questionnaire For Judicial Nominees, he submitted to the U.S. Senate about a case he presided:

3/31/08; C07-4005 EMC; Chang v. Rockridge Manor Condo. The pro se plaintiff filed a motion for recusal after I issued a substantive ruling against her. I denied the request because the plaintiff was claiming bias based solely on an adverse ruling I had issued. She did not substantiate any claim of extrajudicial bias.

As shown on the *Chang* case Docket Sheet (attached), University of California at Berkeley, UC Berkeley Chancellor Robert Birgeneau, UC Berkeley General Counsel Susan Von Seeburg were also named defendants in the *Chang v. Rockridge* case, represented by U.C. Berkeley graduate Gaylynn Kirn Conant.

And, Judge Chen is alumnus of U.C. Berkeley and U.C. Berkeley School of Law. Public documents show that he lectured at defendant school in 2007, **donated money to the defendant in 2007-2008** and had other ties to the defendant.

In a similar case, when a Judge was alumnus of defendant school, the Court of Appeal ordered evidentiary hearings to ascertain the judge's "associations and affiliations with the Law School". *Easley v. University of Michigan Board of Regents*, 853 F.2d 1351 (6th Cir. 1988); see also, *Liljeberg v. Health Svcs. Acquisition Corp.*, 486 U.S. 847 (1988) (vacating judgment where trial judge had ties to defendant school).

Apparently, Judge Chen did not inform Ms. Chang about his associations with the defendant. Instead, on November 14, 2007, in the Initial Case Management Scheduling Conference, Chen ordered: "**A trial date has not been set. No formal discovery and no initial disclosures until further order by this Court.**" See Docket Entry No. 80. Federal Rules of Civil Procedure require that Initial disclosures to be made **before** the Initial Case Management Conference. See FRCP 26(a) (1) (C) and 26(f).

Three months later, on February 13, 2008, Judge Chen granted defendant's motion for summary judgment, without permitting plaintiff to conduct discovery. Chen's judgment Order ridiculed plaintiff's claims as "**patently fanciful and insubstantial**", as well as "**fantastic or delusional.**"

Thus, Judge Chen zealously defended defendant U.C. Berkeley -- his Alma Mater.

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Edward Milton Chen

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Northern District of California

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: United States District Court
450 Golden Gate Avenue, 15th Floor
San Francisco, CA 94102

Residence: [REDACTED]

4. **Birthplace:** State year and place of birth.

1953; Oakland, California.

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1976 – 1979, University of California Boalt Hall School of Law (now known as University of California, Berkeley School of Law); J.D.; June, 1979

1971 – 1975, University of California, Berkeley; A.B., June, 1975

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

particular expert, I withdrew the recusal order and heard the case with the parties' consent.

28. 4/27/07; C07 2271 SBA; Reyes v. Alcantar
I recused myself sua sponte. One of the defendants in the case was represented by, inter alia, the Coblentz law firm.
29. 5/24/07; C06 6497 EMC; G v. Kentfield School District
I recused myself sua sponte for the reasons stated above as to Case No. C01-1344 (#1 above.) The defendant in this case was Marin County Office of Education/Special Education and my son was (and still is) in the County special education program.
30. 3/31/08; C07-4005 EMC; Chang v. Rockridge Manor Condo.
The pro se plaintiff filed a motion for recusal after I issued a substantive ruling against her. I denied the request because the plaintiff was claiming bias based solely on an adverse ruling I had issued. She did not substantiate any claim of extrajudicial bias. See *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966) (explaining that "[t]he alleged bias and prejudice to be disqualifying must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from his participation in the case").
31. 4/21/08; C08-1173 EMC; Eidex Family Partnership, L.P. v. Justice
The pro se plaintiff sought to revoke consent to proceeding before a magistrate judge after I issued an opinion stating that there was no subject matter jurisdiction over the case. I denied the plaintiff's request because the sole basis of his request was his dissatisfaction with my ruling. Subsequently, Judge White of this District also denied the plaintiff's request for reassignment. Judge White later denied a request for reconsideration.
32. 2/10/09; C09-0564 EMC; 625 3rd Street Associates, LP v. Alliant Credit Union
I recused myself sua sponte. One of the defendants in the case was represented by, inter alia, the Coblentz law firm.
33. 8/4/09, C07-5569 MHP, Alphaville Design, Inc. v. Knoll, Inc. I recused myself sua sponte. Plaintiff is represented by, inter alia, the Coblentz law firm.

In addition, I have recused myself sua sponte from a number of cases in cases in which a party is represented by a particular attorney, Thomas Frankovich**. Mr. Frankovich had previously filed a lawsuit against a restaurant and a family limited liability company of which I am a member and manager. The LLC owned the building in which the restaurant was located. These cases include

1/24/05; C04-4075 EMC; Connally v. Packaging Store
1/27/05; C04-2919 MJJ (EMC); Connally v. Red Boy Pizza
6/20/05; C04-4462 MJJ (EMC); Loskot v. Extended Stay CA, Inc.

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-04005-EMC**

Chang v. Rockridge Manor Condominium et al
Assigned to: Magistrate Judge Edward M. Chen
Case in other court: 08-15539

08-16348

08-16753

Cause: 42:1983 Civil Rights Act

Date Filed: 08/03/2007

Date Terminated: 07/03/2008

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Christine Chang
*individually and as guardian ad litem for
Eric Sun, disabled*

represented by **Christine Chang**
341 Tideway Drive #214
Alameda, CA 94501
PRO SE

Plaintiff

Eric Sun
disabled
TERMINATED: 05/06/2008

represented by **Eric Sun**
PRO SE

V.

Defendant

Rockridge Manor Condominium
TERMINATED: 02/21/2008

represented by **Sara B. Allman**
Allman & Nielsen
100 Larkspur Landing Circle
Suite 212
Larkspur, CA 94939
415/461-2700
Fax: 415-461-2726
Email: all-niel@comcast.net
ATTORNEY TO BE NOTICED

Defendant

Rockridge Manor Homeowners Asso
TERMINATED: 02/21/2008

represented by **Sara B. Allman**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Rockridge Manor Board of Directors
TERMINATED: 02/21/2008

represented by **Sara B. Allman**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Charles Blakeney
*Rockridge Manor President of Board of
Directors*
TERMINATED: 02/21/2008

Defendant

Eva Ammann
Rockridge Manor Manager

represented by **Sara B. Allman**
(See above for address)
ATTORNEY TO BE NOTICED

represented by **Edward Joseph Rodzewich**
Valerian Patterson & Stratman
1650 Harbor Bay Parkway, Suite 100
Alameda, CA 94502
510-521-0612
Fax: 510-337-0125
Email:
Edward.Rodzewich@farmersinsurance.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Truck Insurance Exchange

represented by **Lee J. Danforth , Esq.**
Coddington, Hicks & Danforth
555 Twin Dolphin Drive, Suite 300
Redwood City, CA 94065
(650) 592-5400
Email: LDanforth@CHDLawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard Stuart Baum
Coddington, Hicks & Danforth
555 Twin Dolphin Drive, Suite 300
Redwood City, CA 94065
650-592-5400
Fax: 650-592-5027
Email: RBaum@CHDLawyers.com
ATTORNEY TO BE NOTICED

Defendant

University of California Berkeley

represented by **Gaylynn Kirn Conant**
Lombardi Loper & Conant, LLP
Lake Merritt Plaza
1999 Harrison Street
Suite 2600
Oakland, CA 94612-3541
510-433-2600
Fax: 510-433-2699
Email: gkc@llcllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Birgeneau
UC Berkeley Chancellor

represented by **Gaylynn Kirn Conant**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Alan Kolling
UC Berkeley Public Records Coordinator

represented by **Gaylynn Kirn Conant**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Susan Von Seeburg
UC Berkeley General Counsel

represented by **Gaylynn Kirn Conant**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Victoria Harrison
UC Berkeley Police Department

represented by **Gaylynn Kirn Conant**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Adan Tejada
UC Berkeley Police Department
Lieutenant

represented by **Gaylynn Kirn Conant**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Tom Klatt
UC Berkeley Police Department Manager

represented by **Gaylynn Kirn Conant**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Constance Peppers Celaya
UC Berkeley Police Department
Dispatcher

represented by **Gaylynn Kirn Conant**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Pamela Zimba

represented by **Andrew Raymond Adler**
Boornazian Jensen & Garthe
P.O. Box 12925
555 12th St., Suite 1800
Oakland, CA 94604-2925
510-834-4350
Fax: 510-839-1897
Email: aadler@bjg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan Edward Swerdlow
Boornazian Jensen & Garthe
555 - 12th Street
Suite 1800

P.O. Box 12925
Oakland, CA 94604-2925
510-834-4350
Fax: 510-839-1897
Email: aswerdlow@bjg.com
TERMINATED: 01/11/2008
ATTORNEY TO BE NOTICED

Defendant

Albert Coombes

represented by **Albert Frank Coombes**
Law Offices of Albert F. Coombes
15915 Ventura Blvd.
Penthouse 4
Encino, CA 91436
818-986-1533
Fax: 818-986-1657
Email: coombeslaw@aol.com
ATTORNEY TO BE NOTICED

Defendant

**The Regents of the University of
California**

represented by **Gaylynn Kirn Conant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/03/2007	<u>1</u>	COMPLAINT; summons issued against Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, Pamela Zimba, Albert Coombes, Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney, Eva Ammann, Truck Insurance Exchange, University of California Berkeley (Filing fee \$ 350, receipt number 3461100905). Filed by Christine Chang. (slh, COURT STAFF) (Filed on 8/3/2007) (Entered: 08/06/2007)
08/03/2007	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 10/31/2007. Case Management Conference set for 11/7/2007 01:30 PM. (Attachments: # <u>1</u> EMC Standing Order; # <u>2</u> Case Management Standing Order)(slh, COURT STAFF) (Filed on 8/3/2007) (Entered: 08/06/2007)
08/03/2007		CASE DESIGNATED for Electronic Filing. (slh, COURT STAFF) (Filed on 8/3/2007) (Entered: 08/06/2007)
09/26/2007	<u>3</u>	CONSENT to Proceed Before a US Magistrate Judge by Christine Chang. (slh, COURT STAFF) (Filed on 9/26/2007) (Entered: 10/01/2007)
09/26/2007	<u>4</u>	SUMMONS Returned Executed by Christine Chang. Robert Birgeneau served on 9/7/2007, answer due 9/27/2007; Alan Kolling served on 9/7/2007, answer due 9/27/2007; Susan Von Seeburg served on 9/7/2007, answer due 9/27/2007; Victoria Harrison served on 9/7/2007, answer due 9/27/2007; Adan Tejada served on 9/7/2007, answer due 9/27/2007; Tom Klatt served on 9/7/2007, answer due 9/27/2007; Constance Peppers Celaya served on 9/7/2007, answer due 9/27/2007; Rockridge

		Manor Condominium served on 9/7/2007, answer due 9/27/2007; Rockridge Manor Homeowners Asso served on 9/7/2007, answer due 9/27/2007; Rockridge Manor Board of Directors served on 9/7/2007, answer due 9/27/2007; Charles Blakeney served on 9/7/2007, answer due 9/27/2007; Eva Ammann served on 9/7/2007, answer due 9/27/2007; Truck Insurance Exchange served on 9/7/2007, answer due 9/27/2007; University of California Berkeley served on 9/7/2007, answer due 9/27/2007. (slh, COURT STAFF) (Filed on 9/26/2007) (Entered: 10/01/2007)
10/05/2007	5	MOTION for Default Judgment as to defendant Rockridge Manor Homeowners Asso filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	6	MOTION for Default Judgment as to defendant Rockridge Manor Board of Directors filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	7	MOTION for Default Judgment as to defendant Rockridge Manor President of Board of Directors Charles Blakeney filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	8	MOTION for Default Judgment as to defendant Rockridge Manor Manager Eva Ammann filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	9	MOTION for Default Judgment as to defendant Truck Insurance Exchange filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	10	MOTION for Default Judgment as to defendant University of California Berkeley filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	11	MOTION for Default Judgment as to defendant University of California Berkeley Chancellor Robert Birgeneau filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	12	MOTION for Default Judgment as to defendant University of California Berkeley Public Records Coordinator Alan Kolling filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	13	MOTION for Default Judgment as to defendant University of California Berkeley Police Department Chief Victoria Harrison filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	14	MOTION for Default Judgment as to defendant University of California Berkeley Police Department Lieutenant Adan Tejada filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	15	MOTION for Default Judgment as to defendant University of California Berkeley Police Department Manager Tom Klatt filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/05/2007	16	MOTION for Default Judgment as to defendant University of California Berkeley Police Department Dispatcher Constance Celaya filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/09/2007)
10/10/2007	<u>17</u>	First MOTION to Dismiss for Lack of Jurisdiction <i>and failure to state claim</i> filed by Albert Coombes. Motion Hearing set for 11/28/2007 10:30 AM in Courtroom C, 15th

		Floor, San Francisco. (Coombes, Albert) (Filed on 10/10/2007) (Entered: 10/10/2007)
10/17/2007	<u>18</u>	MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. Motion Hearing set for 11/28/2007 10:30 AM in Courtroom C, 15th Floor, San Francisco. (Conant, Gaylynn) (Filed on 10/17/2007) Modified on 10/18/2007 (ewn, COURT STAFF). (Entered: 10/17/2007)
10/17/2007	<u>19</u>	MEMORANDUM in Support re <u>18</u> MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> filed by The Regents of the University of California, Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya. (Related document(s) <u>18</u>) (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>20</u>	Declaration of GayLynn Kirn Conant in Support of Motion/ <i>Application for Relief from Default</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>21</u>	Declaration of Constance Peppers Celaya in Support of <i>Application for Relief from Default</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>22</u>	Declaration of Tejada in Support of <u>18</u> MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>18</u>) (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>23</u>	Declaration of Tom Klatt in Support of <u>18</u> MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>18</u>) (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>24</u>	Declaration of Susan Von Seeburg in Support of <u>18</u> MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>18</u>) (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>25</u>	Declaration of Jim Taylor in Support of <u>18</u> MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>18</u>) (Conant, Gaylynn) (Filed on

		10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>26</u>	Proposed Order re <u>18</u> MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>27</u>	CERTIFICATE OF SERVICE by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California re <u>18</u> MOTION to Set Aside Default / <i>Application for Relief from Default/Opposition to Motion for Default Judgment and Leave to File Motion to Dismiss</i> (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>28</u>	MOTION to Dismiss <i>Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for More Definite Statement [F.R.C.P. 12(e)]</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. Motion Hearing set for 11/28/2007 10:30 AM in Courtroom C, 15th Floor, San Francisco. (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>29</u>	MEMORANDUM in Support of <i>Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>28</u>) (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>30</u>	Request for Judicial Notice in Support of <i>Defendants Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>28</u>) (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>31</u>	Proposed Order <i>Granting Defendants' Motion to Dismiss</i> by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/17/2007	<u>32</u>	CERTIFICATE OF SERVICE by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California re <i>Motion to Dismiss</i> (Conant, Gaylynn) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/18/2007	<u>33</u>	CONSENT to Proceed Before a US Magistrate Judge by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California.. (Conant, Gaylynn) (Filed on 10/18/2007) (Entered: 10/18/2007)
10/18/2007	<u>34</u>	CONSENT to Proceed Before a US Magistrate Judge by Albert Coombes.. (Coombes, Albert) (Filed on 10/18/2007) (Entered: 10/18/2007)
10/18/2007	<u>35</u>	CERTIFICATE OF SERVICE by Albert Coombes re <u>34</u> Consent to Proceed Before a US Magistrate Judge (Coombes, Albert) (Filed on 10/18/2007) (Entered: 10/18/2007)
10/18/2007	<u>36</u>	CERTIFICATE OF SERVICE by Christine Chang re <u>15</u> MOTION for Default Judgment as to, <u>12</u> MOTION for Default Judgment as to, <u>8</u> MOTION for Default Judgment as to, <u>14</u> MOTION for Default Judgment as to, <u>16</u> MOTION for Default

		Judgment as to, 9 MOTION for Default Judgment as to, 5 MOTION for Default Judgment as to, 13 MOTION for Default Judgment as to, 6 MOTION for Default Judgment as to, 11 MOTION for Default Judgment as to, 7 MOTION for Default Judgment as to, 10 MOTION for Default Judgment as to (slh, COURT STAFF) (Filed on 10/18/2007) (Entered: 10/23/2007)
10/25/2007	<u>37</u>	ADR Clerks Notice re: Non-Compliance with Court Order. (tjs, COURT STAFF) (Filed on 10/25/2007) (Entered: 10/25/2007)
10/25/2007	<u>38</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Conant, Gaylynn) (Filed on 10/25/2007) (Entered: 10/25/2007)
10/25/2007	<u>39</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Conant, Gaylynn) (Filed on 10/25/2007) (Entered: 10/25/2007)
10/25/2007	<u>40</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Coombes, Albert) (Filed on 10/25/2007) (Entered: 10/25/2007)
10/29/2007	<u>41</u>	CASE MANAGEMENT STATEMENT (<i>Separate</i>) filed by Albert Coombes. (Coombes, Albert) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>42</u>	CERTIFICATE OF SERVICE by Albert Coombes re <u>41</u> Case Management Statement (Coombes, Albert) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/31/2007	<u>43</u>	CASE MANAGEMENT STATEMENT filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Conant, Gaylynn) (Filed on 10/31/2007) (Entered: 10/31/2007)
10/31/2007	<u>44</u>	CERTIFICATE OF SERVICE by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California re <u>43</u> Case Management Statement (Conant, Gaylynn) (Filed on 10/31/2007) (Entered: 10/31/2007)
10/31/2007	<u>48</u>	Memorandum in Opposition re defendant's <u>28</u> Motion to Dismiss filed by Christine Chang. (slh, COURT STAFF) (Filed on 10/31/2007) (Entered: 11/02/2007)
10/31/2007	<u>49</u>	EXHIBITS to <u>48</u> Memorandum in Opposition filed by Christine Chang. (Related document(s) <u>48</u>) (slh, COURT STAFF) (Filed on 10/31/2007) (Entered: 11/02/2007)
11/01/2007	<u>45</u>	CASE MANAGEMENT STATEMENT filed by Pamela Zimba. (Adler, Andrew) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/01/2007	<u>46</u>	CONSENT to Proceed Before a US Magistrate Judge by Pamela Zimba.. (Adler, Andrew) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/01/2007	<u>47</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (bpf, COURT STAFF) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/02/2007	<u>50</u>	CONSENT to Proceed Before a US Magistrate Judge by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney.. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>51</u>	MOTION to Shorten Time filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)

11/02/2007	<u>52</u>	Proposed Order by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>53</u>	MOTION to Set Aside Default filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>54</u>	MEMORANDUM in Support filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>55</u>	Declaration of <i>Paul A. Conroy in Support of Motion for Relief From Default</i> filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>56</u>	Declaration of <i>Adelio Zunino in Support of Motion for Relief from Default</i> filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>57</u>	Declaration of Charles Blakeney <i>in Support of Motion for Relief From Default</i> filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>58</u>	Declaration of Scott Halbrook <i>in Support of Motion for Relief From Default</i> filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>59</u>	MOTION for Summary Judgment filed by Rockridge Manor Homeowners Asso. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>60</u>	MEMORANDUM in Support re <u>59</u> MOTION for Summary Judgment filed by Rockridge Manor Homeowners Asso. (Related document(s) <u>59</u>) (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>61</u>	Declaration of Paul A. Conroy in Support of <u>59</u> MOTION for Summary Judgment, <u>60</u> Memorandum in Support filed by Rockridge Manor Homeowners Asso. (Related document(s) <u>59</u> , <u>60</u>) (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>62</u>	Request for Judicial Notice <i>in Support of Motion for Summary Judgment</i> filed by Rockridge Manor Homeowners Asso. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>63</u>	MOTION to Dismiss filed by Rockridge Manor Homeowners Asso. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/02/2007	<u>64</u>	MEMORANDUM in Support of <i>Motion to Dismiss</i> filed by Rockridge Manor Homeowners Asso. (Allman, Sara) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/05/2007	<u>65</u>	CERTIFICATE OF SERVICE by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney <i>Amended Proof of Service</i> (Allman, Sara) (Filed on 11/5/2007) (Entered: 11/05/2007)

11/05/2007	<u>66</u>	CLERK'S NOTICE Case Management Conference set for 11/14/2007 01:30 PM. Case Management Statement due by 11/9/2007. (bpf, COURT STAFF) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	<u>67</u>	MOTION to Dismiss <i>Notice of Motion and Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted and for a More Definitive Statement</i> filed by Pamela Zimba. (Swerdlow, Alan) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	<u>68</u>	Declaration of Andrew J. Adler in Support of <u>67</u> MOTION to Dismiss <i>Notice of Motion and Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted and for a More Definitive Statement</i> filed by Pamela Zimba. (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibit 2# <u>3</u> Exhibit Exhibit 3# <u>4</u> Exhibit Exhibit 4)(Related document(s) <u>67</u>) (Swerdlow, Alan) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	<u>69</u>	Proposed Order <i>Granting Motion to Dismiss</i> by Pamela Zimba. (Swerdlow, Alan) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	<u>70</u>	Request for Judicial Notice <i>In Support of Motion to Dismiss for More Definite Statement</i> filed by Pamela Zimba. (Swerdlow, Alan) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	<u>71</u>	Proposed Order <i>On Request for Judicial Notice In Support of Motion to Dismiss for Failure to State a Claim and For More Definite Statement</i> by Pamela Zimba. (Swerdlow, Alan) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	<u>72</u>	CERTIFICATE OF SERVICE by Pamela Zimba (Swerdlow, Alan) (Filed on 11/5/2007) (Entered: 11/05/2007)
11/05/2007	<u>73</u>	Memorandum in Opposition re defendant Albert Coombes' <u>17</u> MOTION to Dismiss filed by Christine Chang. (slh, COURT STAFF) (Filed on 11/5/2007) (Entered: 11/06/2007)
11/05/2007	<u>74</u>	MOTION to Appoint Guardian ad Litem filed by Christine Chang. Motion Hearing set for 11/28/2007 10:30 AM. (slh, COURT STAFF) (Filed on 11/5/2007) (Entered: 11/06/2007)
11/08/2007	<u>76</u>	CONSENT to Proceed Before a US Magistrate Judge by Truck Insurance Exchange. (slh, COURT STAFF) (Filed on 11/8/2007) (Entered: 11/09/2007)
11/09/2007	<u>75</u>	CASE MANAGEMENT STATEMENT <i>Defendants Case Management Conference Statement</i> filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 11/9/2007) (Entered: 11/09/2007)
11/13/2007	<u>77</u>	STIPULATION AND ORDER TO SET ASIDE DEFAULT (As to Truck Insurance Exchange). Signed by Judge Edward M.Chen on 11/13/07. (bpf, COURT STAFF) (Filed on 11/13/2007) (Entered: 11/13/2007)
11/13/2007	<u>78</u>	CLERK'S NOTICE Continuing Motion Hearing Motion Hearing reset for 12/20/2007 09:30 AM in Courtroom C, 15th Floor, San Francisco. (bpf, COURT STAFF) (Filed on 11/13/2007) (Entered: 11/13/2007)
11/13/2007	<u>79</u>	PLAINTIFF'S CASE MANAGEMENT STATEMENT and Proposed Hearing Date for Motions filed by Christine Chang. (slh, COURT STAFF) (Filed on 11/13/2007) (Entered: 11/15/2007)

11/13/2007		Proposed Order granting hearing date and Application for Guardian Ad Litem submitted by Christine Chang. (slh, COURT STAFF) (Filed on 11/13/2007) (Entered: 11/15/2007)
11/14/2007	82	CONSENT to Proceed Before a US Magistrate Judge by Eva Ammann. (slh, COURT STAFF) (Filed on 11/14/2007) (Entered: 11/16/2007)
11/15/2007	<u>80</u>	Minute Entry: Initial Case Management Conference held on 11/14/2007 before Edward M. Chen. A trial date has not been set. No formal discovery and no initial disclosures until further order by this Court. No defaults will be taken at this juncture as all named defendants have appeared either generally or specially. Plaintiff shall file an Application to Appoint Counsel for Guardian Ad Litem by 11/26/07. Plaintiff shall have until 12/24/07 to decide whether to proceed with the application to be appointed with counsel represented her in her capacity as guardian ad litem, or to withdraw her application and have Eric Sun dismissed from the case. Case continued to: 01/16/08 at 10:30 a.m. for various motions. (Date Filed: 11/15/2007). (Tape #1:40-2:06 p.m.) (bpf, COURT STAFF) (Date Filed: 11/15/2007) (Entered: 11/15/2007)
11/15/2007	<u>81</u>	CASE MANAGEMENT SCHEDULING ORDER: Motions Hearing reset for 1/16/2008 10:30 AM in Courtroom C, 15th Floor, San Francisco.. Signed by Judge Edward M. Chen on 11/15/07. (bpf, COURT STAFF) (Filed on 11/15/2007) (Entered: 11/15/2007)
11/20/2007	84	SUMMONS Returned Executed by Christine Chang. Pamela Zimba served on 10/5/2007; Albert Coombes served on 9/26/2007. (slh, COURT STAFF) (Filed on 11/20/2007) (Entered: 11/27/2007)
11/21/2007	83	MOTION to Appoint Guardian ad Litem filed by Christine Chang. Motion Hearing set for 1/16/2008 10:30 AM. (slh, COURT STAFF) (Filed on 11/21/2007) (Entered: 11/27/2007)
11/28/2007	<u>85</u>	ORDER by Judge Edward M. Chen Denying 5 Plaintiffs' Motion for Default Judgment; Denying 6 Plaintiffs' Motion for Default Judgment; Denying 7 Plaintiffs' Motion for Default Judgment; Denying 8 Plaintiffs' Motion for Default Judgment; Denying 10 Plaintiffs' Motion for Default Judgment; Denying 11 Plaintiffs' Motion for Default Judgment; Denying 12 Plaintiffs' Motion for Default Judgment; Denying 13 Plaintiffs' Motion for Default Judgment; Denying 14 Plaintiffs' Motion for Default Judgment; Denying 15 Plaintiffs' Motion for Default Judgment; Denying 16 Plaintiffs' Motion for Default Judgment; and Finding as Moot <u>18</u> Defendants' Motion to Set Aside Default/Default Judgment; Finding as Moot <u>53</u> Defendants' Motion to Set Aside Default/Default Judgment. (emcsec, COURT STAFF) (Filed on 11/28/2007) (Entered: 11/28/2007)
11/29/2007	<u>86</u>	ORDER by Judge Edward M. Chen Denying 83 Plaintiffs' Application/Motion to Appoint Counsel for Guardian Ad Litem. (emcsec, COURT STAFF) (Filed on 11/29/2007) (Entered: 11/29/2007)
12/05/2007	<u>87</u>	*** FILED IN ERROR. PLEASE REFER TO DOCUMENT <u>88</u> . *** First MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Truck Insurance Exchange. Motion Hearing set for 1/16/2008 10:30 AM in Courtroom C, 15th Floor, San Francisco. (Baum, Richard) (Filed on 12/5/2007) Modified on 12/5/2007 (feriab, COURT STAFF). (Entered: 12/05/2007)

12/05/2007	<u>88</u>	First MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Truck Insurance Exchange. Motion Hearing set for 1/16/2008 10:30 AM in Courtroom C, 15th Floor, San Francisco. (Attachments: # <u>1</u> Memorandum of Points & Authorities in Support of Motion)(Baum, Richard) (Filed on 12/5/2007) (Entered: 12/05/2007)
12/05/2007	<u>89</u>	Proposed Order re <u>88</u> First MOTION to Dismiss <i>Plaintiff's Complaint</i> by Truck Insurance Exchange. (Baum, Richard) (Filed on 12/5/2007) (Entered: 12/05/2007)
12/21/2007	<u>90</u>	ORDER. Signed by Judge Edward M. Chen on 12/21/07. (bpf, COURT STAFF) (Filed on 12/21/2007) (Entered: 12/21/2007)
12/21/2007	96	Letter from Christine Chang re appointment of counsel. (sv, COURT STAFF) (Filed on 12/21/2007) (Entered: 12/28/2007)
12/26/2007	91	Memorandum in Opposition re <u>88</u> First MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Christine Chang. (sv, COURT STAFF) (Filed on 12/26/2007) (Entered: 12/26/2007)
12/26/2007	92	EXHIBITS re 91 Memorandum in Opposition filed byChristine Chang. (Related document(s) 91) (sv, COURT STAFF) (Filed on 12/26/2007) (Entered: 12/26/2007)
12/26/2007	<u>93</u>	Memorandum in Opposition re <u>59</u> MOTION for Summary Judgment, <u>63</u> MOTION to Dismiss filed byChristine Chang. (sv, COURT STAFF) (Filed on 12/26/2007) (res, COURT STAFF). (Entered: 12/26/2007)
12/26/2007	94	Memorandum in Opposition re <u>67</u> MOTION to Dismiss <i>Notice of Motion and Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted and for a More Definitive Statement</i> filed byChristine Chang. (sv, COURT STAFF) (Filed on 12/26/2007) (Entered: 12/26/2007)
12/26/2007	95	MOTION/Application for Reconsideration filed by Christine Chang. Motion Hearing set for 1/16/2008 10:30 AM. (sv, COURT STAFF) (Filed on 12/26/2007) (Entered: 12/26/2007)
12/31/2007	<u>97</u>	Reply to Opposition 94 <i>re Motion to Dismiss for Failure to State a Claim upon which Relief can be Granted or, in the alternative, for a more definite statement</i> filed by Pamela Zimba. (Adler, Andrew) (Filed on 12/31/2007) Modified on 1/2/2008 (sv, COURT STAFF). (Entered: 12/31/2007)
12/31/2007	<u>98</u>	Reply to Opposition 94 <i>and Certificate of Service</i> filed by Albert Coombes. (Coombes, Albert) (Filed on 12/31/2007) Modified on 1/2/2008 (sv, COURT STAFF). (Entered: 12/31/2007)
01/02/2008	<u>99</u>	Reply Memorandum <u>63</u> <i>in Support of Defendants' Motion to Dismiss</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Conant, Gaylynn) (Filed on 1/2/2008) Modified on 1/3/2008 (sv, COURT STAFF). (Entered: 01/02/2008)
01/02/2008	<u>100</u>	CERTIFICATE OF SERVICE by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California re <u>99</u> Reply Memorandum, <i>in Support of Defendants' Motion to Dismiss</i> (Conant, Gaylynn) (Filed on 1/2/2008) (Entered: 01/02/2008)
01/02/2008	<u>101</u>	REPLY to Response to Motion <i>to Dismiss</i> filed byTruck Insurance Exchange. (Attachments: # <u>1</u> Supplement Proof of Service)(Baum, Richard) (Filed on 1/2/2008) (Entered: 01/02/2008)

01/02/2008	<u>102</u>	Reply Memorandum of <i>Points and Authorities in Support of Defendant Rockridge Manor Homeowners' Association's Motion for Summary Judgment 59</i> filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 1/2/2008) Modified on 1/3/2008 (sv, COURT STAFF). (Entered: 01/02/2008)
01/02/2008	<u>103</u>	Reply Memorandum <u>63</u> of <i>Points and Authorities in Support of Defendant Rockridge Manor Homeowners' Association's Motion to Dismiss</i> filed by Rockridge Manor Condominium, Rockridge Manor Homeowners Asso, Rockridge Manor Board of Directors, Charles Blakeney. (Allman, Sara) (Filed on 1/2/2008) Modified on 1/3/2008 (sv, COURT STAFF). (Entered: 01/02/2008)
01/02/2008	105	MOTION for Reconsideration re appointment of counsel filed by Christine Chang. (sv, COURT STAFF) (Filed on 1/2/2008) (Entered: 01/04/2008)
01/03/2008	<u>104</u>	ORDER by Judge Edward M. Chen Denying 95 Plaintiffs' Application/Motion for Reconsideration to Appoint Counsel for Guardian Ad Litem. (emcsec, COURT STAFF) (Filed on 1/3/2008) (Entered: 01/03/2008)
01/11/2008	<u>106</u>	*** FILED IN ERROR. PLEASE SEE DOCKET # <u>107</u> . *** NOTICE of Change In Counsel by Andrew Raymond Adler <i>for Defendant Pamela Zimba</i> (Adler, Andrew) (Filed on 1/11/2008) Modified on 1/14/2008 (ewn, COURT STAFF). (Entered: 01/11/2008)
01/11/2008	<u>107</u>	NOTICE of Change In Counsel by Andrew Raymond Adler <i>for Defedant Pamela Zimba</i> (Adler, Andrew) (Filed on 1/11/2008) (Entered: 01/11/2008)
01/16/2008	<u>108</u>	Minute Entry: Motion Hearing held on 1/16/2008 before Edward M. Chen. Court took matter under submission (Date Filed: 1/16/2008). (Court Reporter Belle Ball.) (bpf, COURT STAFF) (Date Filed: 1/16/2008) (Entered: 01/16/2008)
01/16/2008	109	SUMMONS Returned Executed by Christine Chang. Eva Ammann served on 1/16/2008. (slh, COURT STAFF) (Filed on 1/16/2008) (Entered: 01/22/2008)
02/13/2008	<u>110</u>	ORDER by Judge Edward M. Chen Granting <u>17 28 63 67 88</u> Defendants' Motion to Dismiss or, in the Alternative, for a More Definite Statement; and Granting <u>59</u> Defendant's Motion for Summary Judgment. (emcsec, COURT STAFF) (Filed on 2/13/2008) (Entered: 02/13/2008)
02/20/2008	<u>111</u>	MOTION to Dismiss, MOTION for More Definite Statement filed by Eva Ammann. (slh, COURT STAFF) (Filed on 2/20/2008) (slh, COURT STAFF). (Entered: 02/21/2008)
02/20/2008	<u>112</u>	MEMORANDUM OF POINTS AND AUTHORITIES in Support re <u>111</u> MOTION to Dismiss, MOTION for More Definite Statement filed by Eva Ammann. (Related document(s) <u>111</u>) (slh, COURT STAFF) (Filed on 2/20/2008) (slh, COURT STAFF). (Entered: 02/21/2008)
02/20/2008	<u>113</u>	MOTION for Summary Judgment filed by Eva Ammann. (slh, COURT STAFF) (Filed on 2/20/2008) (slh, COURT STAFF). (Entered: 02/21/2008)
02/20/2008	<u>114</u>	MEMORANDUM OF POINTS AND AUTHORITIES in Support re <u>113</u> MOTION for Summary Judgment filed by Eva Ammann. (Related document(s) <u>113</u>) (slh, COURT STAFF) (Filed on 2/20/2008) (slh, COURT STAFF). (Entered: 02/21/2008)

02/21/2008	<u>115</u>	CLERK'S NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer re <u>111</u> , <u>112</u> , <u>113</u> , <u>114</u> . (slh, COURT STAFF) (Filed on 2/21/2008) (Entered: 02/21/2008)
02/21/2008	<u>116</u>	JUDGMENT in favor of Defendants Rockridge Manor Homcowners Association, Rockridge Manor Condominium, Rockridge Manor Board of Directors, Rockridge Manor President of Board of Directors Charles Blakeney, and Charles Blakeney ONLY.. Signed by Betty Fong, Deputy Clerk on 2/21/08. (bpf, COURT STAFF) (Filed on 2/21/2008) (Entered: 02/21/2008)
02/21/2008	<u>117</u>	AMENDED JUDGMENT in favor of Defendants Rockridge Manor Homcowners Association, Rockridge Manor Condominium, Rockridge Manor Board of Directors, Rockridge Manor President of Board of Directors Charles Blakeney, and Charles Blakeney (only).. Signed by Betty Fong, Deputy Clerk on 2/21/08. (bpf, COURT STAFF) (Filed on 2/21/2008) (Entered: 02/21/2008)
02/22/2008	<u>118</u>	CLERK'S NOTICE Continuing Motion Hearing Motion Hearing set for 3/26/2008 10:30 AM in Courtroom C, 15th Floor, San Francisco. (bpf, COURT STAFF) (Filed on 2/22/2008) (Entered: 02/22/2008)
02/29/2008	<u>119</u>	FIRST AMENDED COMPLAINT against Robert Birgeneau, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Constance Peppers Celaya, Pamela Zimba, Albert Coombes, The Regents of the University of California, Eva Ammann. Filed by Eric Sun, Christine Chang. (slh, COURT STAFF) (Filed on 2/29/2008) (Entered: 03/06/2008)
02/29/2008	<u>120</u>	MOTION and MEMORANDUM OF POINTS AND AUTHORITIES in Support to Appoint Counsel for Plaintiff Chang to Serve as Guardian ad Litem filed by Christine Chang, Eric Sun. Motion Hearing set for 4/23/2008 10:30 AM. (slh, COURT STAFF) (Filed on 2/29/2008) (Entered: 03/06/2008)
02/29/2008	<u>121</u>	Declaration in Support of <u>120</u> MOTION to Appoint Counsel for Plaintiff Chang to Service as Guardian ad Litem filed by Christine Chang, Eric Sun. (Related document(s) <u>120</u>) (slh, COURT STAFF) (Filed on 2/29/2008) (Entered: 03/06/2008)
02/29/2008	<u>122</u>	Declaration of Hiawatha Harris, M.D. in Support of <u>120</u> MOTION to Appoint Counsel for Plaintiff Chang to Serve as Guardian ad Litem filed by Christine Chang, Eric Sun. (Related document(s) <u>120</u>) (slh, COURT STAFF) (Filed on 2/29/2008) (Entered: 03/06/2008)
02/29/2008	<u>123</u>	NOTICE OF APPEAL as to <u>110</u> Order filed by Christine Chang, Eric Sun. Filing fee not paid. (slh, COURT STAFF) (Filed on 2/29/2008) (USCA Case No. 08-15539) (Entered: 03/06/2008)
02/29/2008	<u>124</u>	Declaration in Support of <u>123</u> Notice of Appeal filed by Christine Chang, Eric Sun. (Related document(s) <u>123</u>) (slh, COURT STAFF) (Filed on 2/29/2008) (Entered: 03/06/2008)
03/06/2008	<u>125</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>123</u> Notice of Appeal. (slh, COURT STAFF) (Filed on 3/6/2008) (Additional attachment(s) added on 3/6/2008: # <u>1</u> new appeal) (slh, COURT STAFF). (Entered: 03/06/2008)
03/06/2008		Copy of Notice of Appeal and Docket sheet mailed to all counsel. (slh, COURT STAFF) (Filed on 3/6/2008) (Entered: 03/06/2008)

03/06/2008	<u>126</u>	Mailed request for payment of docket fee to appellant (cc to USCA) (slh, COURT STAFF) (Filed on 3/6/2008) (Entered: 03/06/2008)
03/07/2008	<u>127</u>	ORDER by Judge Edward M. Chen denying <u>120</u> Motion to Appoint ad Litem. (bpf, COURT STAFF) (Filed on 3/7/2008) (Entered: 03/07/2008)
03/07/2008	<u>128</u>	MOTION for Reconsideration filed by Christine Chang. Motion Hearing set for 4/23/2008 10:30 AM. (slh, COURT STAFF) (Filed on 3/7/2008) (Entered: 03/10/2008)
03/11/2008	<u>129</u>	ORDER by Judge Edward M. Chen denying <u>128</u> Motion for Reconsideration re <u>123</u> Notice of Appeal filed by Eric Sun, Christine Chang, <u>128</u> MOTION for Reconsideration filed by Christine Chang (bpf, COURT STAFF) (Filed on 3/11/2008) (Entered: 03/11/2008)
03/12/2008		Certified copy of <u>129</u> Order sent to USCA. (slh, COURT STAFF) (Filed on 3/12/2008) (Entered: 03/12/2008)
03/14/2008	<u>132</u>	TRANSCRIPT of Proceedings held on 1/16/08 before Judge Chen. Court Reporter: Belle Ball. (slh, COURT STAFF) (Filed on 3/14/2008) (Entered: 03/17/2008)
03/17/2008	<u>130</u>	Second MOTION to Dismiss filed by Albert Coombes. Motion Hearing set for 4/22/2008 10:30 AM in Courtroom C, 15th Floor, San Francisco. (Coombes, Albert) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>131</u>	MOTION to Dismiss <i>Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. Motion Hearing set for 4/23/2008 10:30 AM in Courtroom C, 15th Floor, San Francisco. (Conant, Gaylynn) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>133</u>	ORDER re briefing schedule re <u>111</u> MOTION to Dismiss MOTION for More Definite Statement filed by Eva Ammann, <u>113</u> MOTION for Summary Judgment filed by Eva Ammann. Signed by Judge Edward M. Chen on 3/17/08. (bpf, COURT STAFF) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>134</u>	USCA Case Number 08-15539 for <u>123</u> Notice of Appeal. (slh, COURT STAFF) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>135</u>	Proposed Order re <u>130</u> Second MOTION to Dismiss by Albert Coombes. (Coombes, Albert) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>136</u>	MEMORANDUM OF POINTS AND AUTHORITIES in Support re <u>131</u> MOTION to Dismiss <i>Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> MOTION to Dismiss <i>Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California (Conant, Gaylynn) (Filed on 3/17/2008) Modified on 3/19/2008 (slh, COURT STAFF). (Entered: 03/17/2008)
03/17/2008	<u>137</u>	CERTIFICATE OF SERVICE by Albert Coombes re <u>135</u> Proposed Order <i>Granting Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint</i> (Coombes, Albert) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>138</u>	Declaration of Constance Peppers Celaya in Support of <u>131</u> MOTION to Dismiss <i>Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment</i>

		<i>[F.R.C.P. 56] MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>131</u>) (Conant, Gaylynn) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>139</u>	Declaration of Victoria Harrison in Support of <u>131</u> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>131</u>) (Conant, Gaylynn) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>140</u>	Declaration of Susan Von Seeburg in Support of <u>131</u> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>131</u>) (Conant, Gaylynn) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>141</u>	Declaration of Adan Tejada in Support of <u>131</u> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> filed by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Related document(s) <u>131</u>) (Conant, Gaylynn) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>142</u>	Proposed Order re <u>131</u> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California. (Conant, Gaylynn) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>143</u>	CERTIFICATE OF SERVICE by Robert Birgeneau, Alan Kolling, Susan Von Seeburg, Victoria Harrison, Adan Tejada, Tom Klatt, Constance Peppers Celaya, The Regents of the University of California re <u>131</u> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> <i>MOTION to Dismiss Pursuant to FRCP 12(b)(6) or, in the Alternative, Motion for Summary Judgment [F.R.C.P. 56]</i> (Conant, Gaylynn) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/18/2008	<u>144</u>	CLERK'S NOTICE Continuing Motion Hearing Motion Hearing set for 4/30/2008 10:30 AM in Courtroom C, 15th Floor, San Francisco. (bpf, COURT STAFF) (Filed on 3/18/2008) (Entered: 03/18/2008)
03/20/2008	<u>145</u>	<i>MOTION to Dismiss</i> filed by Pamela Zimba. Motion Hearing set for 5/14/2008 02:30 PM in Courtroom C, 15th Floor, San Francisco. (Adler, Andrew) (Filed on 3/20/2008) (Entered: 03/20/2008)

03/20/2008	<u>146</u>	MEMORANDUM of Points and Authorities in support re <u>145</u> MOTION to Dismiss by Pamela Zimba (Adler, Andrew) (Filed on 3/20/2008) Modified on 4/9/2008 (slh, COURT STAFF). (Entered: 03/20/2008)
03/20/2008	<u>147</u>	Proposed Order re <u>145</u> MOTION to Dismiss by Pamela Zimba (Adler, Andrew) (Filed on 3/20/2008) Modified on 4/9/2008 (slh, COURT STAFF). (Entered: 03/20/2008)
03/24/2008	<u>150</u>	Declaration re Late Service of defendant Eva Ammann's Motion to Dismiss and Summary Judgment filed by Christine Chang. (slh, COURT STAFF) (Filed on 3/24/2008) (Entered: 03/25/2008)
03/24/2008	<u>151</u>	MOTION for Recusal filed by Christine Chang. (slh, COURT STAFF) (Filed on 3/24/2008) (Entered: 03/25/2008)
03/24/2008	<u>152</u>	AFFIDAVIT in Support re <u>151</u> MOTION for Recusal by Christine Chang. (slh, COURT STAFF) (Filed on 3/24/2008) (Entered: 03/25/2008)

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Transaction Receipt			
PACER Login:		Client Code:	
Description:	Docket Report	Search Criteria:	3:07-cv-04005-EMC
Billable Pages:		Cost:	

To: U.S. Senate Judiciary Committee

**RE: Judicial Nominee Edward M. Chen's
Statement to the Senate Judiciary on a
Recusal Motion**

Facts:

- (1) Chen has ties with defendant;**
- (2) Chen donates money to defendant;**
- (3) Chen refuses to recuse himself;**
- (4) Chen forbids discovery;**
- (5) Chen dismisses plaintiff's case;**
- (6) Chen blasts plaintiff as delusional;**
- (7) Chen hides the truth from the Senate!**

Attached:

**Appeal of Chen's Ruling in favor of U.C.
Berkely in the *Chang v. U.C. Berkeley* Case**

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Edward Milton Chen

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Northern District of California

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: United States District Court
450 Golden Gate Avenue, 15th Floor
San Francisco, CA 94102

Residence: [REDACTED]

4. **Birthplace:** State year and place of birth.

1953; Oakland, California.

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1976 – 1979, University of California Boalt Hall School of Law (now known as University of California, Berkeley School of Law); J.D.; June, 1979

1971 – 1975, University of California, Berkeley; A.B., June, 1975

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

particular expert, I withdrew the recusal order and heard the case with the parties' consent.

28. 4/27/07; C07 2271 SBA; Reyes v. Alcantar
I recused myself sua sponte. One of the defendants in the case was represented by, inter alia, the Coblentz law firm.
29. 5/24/07; C06 6497 EMC; G v. Kentfield School District
I recused myself sua sponte for the reasons stated above as to Case No. C01-1344 (#1 above.) The defendant in this case was Marin County Office of Education/Special Education and my son was (and still is) in the County special education program.
30. 3/31/08; C07-4005 EMC; Chang v. Rockridge Manor Condo.
The pro se plaintiff filed a motion for recusal after I issued a substantive ruling against her. I denied the request because the plaintiff was claiming bias based solely on an adverse ruling I had issued. She did not substantiate any claim of extrajudicial bias. See *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966) (explaining that "[t]he alleged bias and prejudice to be disqualifying must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from his participation in the case").
31. 4/21/08; C08-1173 EMC; Eidex Family Partnership, L.P. v. Justice
The pro se plaintiff sought to revoke consent to proceeding before a magistrate judge after I issued an opinion stating that there was no subject matter jurisdiction over the case. I denied the plaintiff's request because the sole basis of his request was his dissatisfaction with my ruling. Subsequently, Judge White of this District also denied the plaintiff's request for reassignment. Judge White later denied a request for reconsideration.
32. 2/10/09; C09-0564 EMC; 625 3rd Street Associates, LP v. Alliant Credit Union
I recused myself sua sponte. One of the defendants in the case was represented by, inter alia, the Coblentz law firm.
33. 8/4/09, C07-5569 MHP, Alphaville Design, Inc. v. Knoll, Inc. I recused myself sua sponte. Plaintiff is represented by, inter alia, the Coblentz law firm.

In addition, I have recused myself sua sponte from a number of cases in cases in which a party is represented by a particular attorney, Thomas Frankovich**. Mr. Frankovich had previously filed a lawsuit against a restaurant and a family limited liability company of which I am a member and manager. The LLC owned the building in which the restaurant was located. These cases include

1/24/05; C04-4075 EMC; Connally v. Packaging Store
1/27/05; C04-2919 MJJ (EMC); Connally v. Red Boy Pizza
6/20/05; C04-4462 MJJ (EMC); Loskot v. Extended Stay CA, Inc.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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CLERK

CHRISTINE CHANG, individually)
and as guardian ad litem for)
Eric Sun, disabled)

Plaintiff – Appellant,)

and)

ERIC SUN, disabled,)

Plaintiff,)

v.)

ROCKRIDGE MANOR)
CONDOMINIUM; et al.,)

Defendants – Appellees.)

No: 08-16753

D.C. No. 3:07-cv-04005-EMC

PETITION FOR REHEARING
EN BANC AND FOR LEAVE
TO FILE MOTION FRE 60(b)

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, Magistrate Judge, Presiding

PETITION FOR REHEARING EN BANC AND FOR LEAVE TO FILE MOTION FRE 60(b) – FILED SEPT. 14, 2009

The district court improperly dismissed the claim of U.C. Berkeley defendants' **ex parte communication** with the state court judge. See plaintiffs' motion FRE 60(b)(2) – Relief from judgment or order. Some U.C. Berkeley defendants submitted affidavits disputed one incident of ex parte communication, some did not dispute the first nor second incidents. But Judge Chen, nevertheless, dismissed all U.C. Berkeley defendants on the ex parte communication Claim.

Judge Chen refused to recuse himself after plaintiffs filed a motion for recusal and a supporting affidavit. See **Docket Entry No. 151, 152, and 154**. However, I found out recently, Judge Chen received a B.A. from U.C. Berkeley in 1975, and J.D. from U.C. Berkeley School of Law in 1979. A search of Judge Chen's name at <http://www.law.berkeley.edu> reveals that Judge Chen has been giving seminars at U.C. Berkeley, and presumably been receiving compensation for his work at defendant school. Judge Chen is also listed as a significant donor to U.C. Berkeley law school. See **exhibit 1**.

Judge Chen abused his discretion dismissed all U.C. Berkeley defendants. He concealed the fact of his associations with the U.C. Berkeley defendant school. (See *Easley v. University of Michigan Board of Regents*, 853 F.2d 1351 (Court of Appeals for The Six Circuit 1988).

Plaintiff-appellant Easley appealed from rulings by district court Judge Feikens, based upon Judge Feikens' associations with the defendant school, U.C. Michigan Law School.

Judge Chen abused his discretion dismissed all U.C. Berkeley defendants. On November 14, 2007, Judge Chen ordered, "No formal discovery and no initial disclosures until further order by this court." See **Docket Entry No. 80**. Three months later, on February 13, 2008, Judge Chen dismissed all U.C. Berkeley defendants, blaming plaintiffs for not offering any evidence to the contrary. See **Docket Entry No. 110**.

The district court abused its discretion in declining to exercise supplemental jurisdiction over the attorney defendants. Judge Chen refused to recuse himself after plaintiffs filed a motion for recusal and a supporting affidavit. See **Docket Entry No. 151, 152, and 154**.

Judge Chen abused his discretion in declining to exercise supplemental jurisdiction claims. Judge chen, first disallowed all formal discovery and disclosures (see **Docket Entry No. 80**), secondly, refused to recuse himself (see **Docket Entry No. 151, 152, and 154**), thirdly, dismissed all U.C. Berkeley defendants (see **Docket Entry No. 110**), then, declined to exercise supplemental jurisdiction claims over the attorney defendants. Judge Chen intentionally deprived plaintiffs' **Due Process Rights in the Fourteenth Amendment of United States Constitution**. See **exhibit 1**.

The district court abused its discretion in declining to exercise supplemental jurisdiction over the attorney defendants' **fraud**. See *Mellor v. Chamberlin*, 673 P.2d 610 (Supreme Court Washington 1983), also *Coson v. roehl*, 387 P.2d 541 (Supreme Court Washington 1963).

The district court abused its discretion in declining to exercise supplemental jurisdiction over the attorney defendants' **perjury**. The attorney defendants did not dispute plaintiffs' allegations of their perjury in the state court trial on August 5, 2004. Perjury carries a statute of limitation for four years. See *The State of Washington v. Douette*, 71 P. 556 (Supreme Court of Washington 1903).

Plaintiffs respectfully petition the Ninth Circuit Appeals Court to remand our case to the district court for retrial, due to Judge Chen's violation of Federal Rules and deprived plaintiffs' Due Process Rights guaranteed by the Fourteenth Amendment of the United States Constitution.

Christine Chang and for Eric Sun

Christine Chang and for Eric Sun, Plaintiffs

PETITION FOR REHEARING EN BANC AND FOR LEAVE TO FILE MOTION FRE 60(b) - FILED SEPT. 14, 2009

It will be an irreversible mistake if Edward M. Chen is nominated to the Federal Bench.

Recently, Mr. Chen pulled off a Catch-22 on the plaintiffs in the U.S. District Court case No. 3:07-cv-04005-EMC, which Mr. Chen mentioned in his answer to the Senate Judiciary Questionnaire. On November 14, 2007, Mr. Chen ordered: "No formal discovery and no initial disclosures until further order by this Court." See **Docket Entry No. 80**. Three months later, Mr. Chen dismissed all of plaintiffs' claims, blaming plaintiff not offering any evidence to the contrary. See **Docket Entry 110**.

I was the pro se plaintiff representing myself and my son in the case above, against the University of California at Berkeley and its officials ("U.C. Berkeley"). We, mother and son, are disabled, due to the aggravated assault and battery by U.C. Berkeley employees, and their continuing stalking and harassment. We filed suit in state court. After the state court judge was compromised by defendants' ex parte communications, we filed federal claims in the U.S. District Court. Judge Chen took the case.

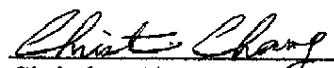
U.C. Berkeley defendants did not dispute our allegations: its employees' aggravated assault and battery, stalking and harassment, perjury in the state court procedures, ex-parte communication with the state court judge, and conspiracy between U.C. Berkeley and defendants. These were indisputable, based on state court trial transcripts and hearing testimony.

After forbidding us to conduct discovery, Mr. Chen labeled our injuries a theoretical matter, fantastic or delusional scenarios, sheer speculation lacking plausibility, fantastic conspiracy, patently fanciful and insubstantial. Mr. Chen exonerated the U.C. Berkeley employees who filed affidavits, but avoided to mention the employees who did not file affidavits. He twisted the facts about employee defendants' perjury, fraud, and ex parte communication with the state judge, which were indisputable based on state court record. See, Chen's order dated February 13, 2008, **Docket Entry No. 110**.

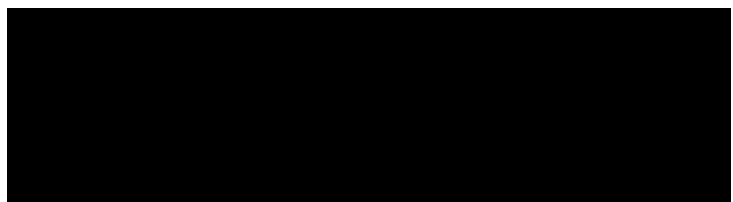
I filed a motion for recusal and a supporting affidavit. Mr. Chen refused to recuse himself from the case. **Docket Entry No. 151, 152, 154**. In his answer to the Senate Questionnaire, Mr. Chen stated that he "denied the request because the plaintiff was claiming bias based solely on an adverse ruling I had issued." However, as I found out recently, Mr. Chen received a B.A. from U.C. Berkeley in 1975, and J.D. from U.C. Berkeley School of Law in 1979. A search of Chen's name at <http://www.law.berkeley.edu> reveals that Mr. Chen has been giving seminars at the defendant school, and presumably been receiving compensation for his work at defendant school. Mr. Chen was also listed as a significant donor to U.C. Berkeley law school in 2007-2008. In his answer to the U.S. Senate Judiciary Committee, Mr. Chen concealed the fact that U.C. Berkeley and its officials were named defendants in my case, represented by Gaylynn Kirn Conant, also a U.C. Berkeley graduate.

Mr. Chen's biased, prejudiced, oppressive and crooked behavior against the poor and powerless is shocking. He rules in favor of the rich and powerful, from whom he receives praises and recommendations. Mr. Chen will not uphold the laws and U. S. Constitution. It will be a tragic mistake if Edward M. Chen climbs up to the lifetime tenure of the federal bench.

EXHIBIT 1



Christine Chang, Plaintiff of Case No. 3:07-cv-04005-EMC



To: U.S. Congressmen and President Obama

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Christine Chang

Plaintiff of Case No. 3:07-cv-04005-EMC



Oppose the Nomination of Edward M. Chen to Federal Bench

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To: U.S. Congress and President Obama

We write to you to register our serious concerns about Edward M. Chen's nomination to the U.S. federal court. Chen's biased judicial style has come to our attention through legal cases publicized on the Internet. As tax payers who pay judges to do justice, We oppose his nomination and confirmation.

Chen's ruling in the Netbula v. Symantec litigation shows his judicial philosophy. In 2006, Netbula, LLC, a small software company sued Symantec Corporation for copyright infringement. Symantec made numerous misrepresentations to the Court. Even the presiding judge had found that Symantec "mischaracterize[d]" the record. However, when Netbula requested a Court order to force Symantec to correct its court filings, instead of upholding the integrity of the judicial process, Chen denied Netbula's request and ordered Netbula to pay \$20,000 to Symantec. The following is but one example of how Chen distorts the record.

On May 15, 2006, Netbula and Symantec held a confidential private meeting. Netbula brought a stack of paper documents, and the parties and attorneys discussed them. At the end of the meeting, Symantec declined to take the Netbula documents. Then, it alleged in a Court filing that "Symantec ... provided the materials requested of them... Netbula, on the other hand, did not provide any of the materials requested of them."

After Symantec refused to correct their misrepresentations, Netbula's lawyer (a young black lady) filed a motion for Rule 11 sanctions. Faced with indisputable evidence, Symantec finally admitted that Netbula did bring some documents to the meeting.

Magistrate Chen heard the motion. After noting Netbula small and its attorney a solo practitioner, he distorted the record and ordered Netbula to pay \$20,000.00 to Symantec. Chen wrote: "[Symantec's] statement was not misleading. Netbula had not produced all the documents requested."

To justify his ruling in favor of Symantec, Chen writes:

"The factual investigation [Symantec] needed to respond to [Netbula's] Rule 11 motion on the merits was not a task that could quickly be accomplished. For example, a fair amount of time was reasonably expended [by Symantec] to look into the history of events surrounding the May 15, 2006, settlement meeting... the Court concludes that an award of \$20,000 [to Symantec] is reasonable."

In fact, three Symantec attorneys had an email discussion on May 16, 2006 about the documents Netbula brought to the meeting the previous day. Chen awarded Symantec attorneys for making a false statement that was refuted by their own email.

The above is just one example of Chen's contortionist jurisprudence. For more details, please review misconduct complaint No. 07-89078 filed with the Ninth Circuit. The Netbula v. Symantec case information can be found on the web site <http://www.american-justice.org>

Chen's judicial philosophy raises serious concerns on whether he can be true to the oath of a judge -- to "do equal right to the poor and to the rich."

For this reason, we request Your Honor not to appoint Chen to the lifetime tenure of Article III Judge of the United States.

Sincerely,

The Undersigned

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The Oppose the Nomination of Edward M. Chen to Federal Bench Petition to U.S. Congress and President Obama was created by American Justice Group and written by Equal Justice Under Law (forequaljustice@gmail.com). This petition is hosted here at www.PetitionOnline.com as a public service. There is no endorsement of this petition, express or implied, by Artifice, Inc. or our sponsors. For technical support please use our simple Petition Help form.

tags: [chen](#) [Corruption](#) [court](#) [edward](#) [Federal](#) [judge](#) [Judicial](#) [M.](#)

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PETITION SIGNATURES

www.petitiononline.com/emc_bad/

Numbe	Name	Email	Comments	Address
1	carol Shi		Edward Chen does not represent the Asian American community, nor does he represent justice in the court room. He bases his rulings completely on whichever party has the most money and power, not on legal standards. We cannot blindly support Chen because he is Chinese. He does nothing for the Asian community, and if you look closely at his rulings, he purposely rules against Asians, regardless of whether they are legally correct. Obama must remove him as a magistrate, not promote him to be a District Court judge.	Fremont,
2	Steven Li		I am concerned about basic human rights violated by such corrupt judge. I oppose his nomination.	Santa Cla
3	Yong Li	yli01776@yahoo	This judge mistreated his own race. From "did not provide ANY document" to "not provide All document" trick game and shame!	
4	Bo Liu		Please don't appoint Edward Chen. His integrity is questioned.	Redwood
5	Feng Ying		I oppose his nomination.	
6	Lily Fan		remove Chen from Federal Court !	
7	Weidian Ma	weidian_ma@m	Biased judicial style	
8	linda wong		No Edward Chen !!!	
9	Peter H. J.		Chen demonstrated a pattern of bias and prejudice, he should be removed from Court.	
10	Mike Tran		I oppose the Nomination of Chen	
11	Bin Xie	bxiekc@gmail.c	I am an Chinese American, but I strongly oppose the Nomination of Edward M. Chen to Federal Bench	
12	Zhiying Lao		I am not happy with his appointment.	
13	Ben Wang		I oppose his appointment	
14	Kao Li		justice for all	
15	Ying Lu		The courtroom door is open to all	
16	Peter Lin		No Edward Chen !!!	
17	Xiangling Li		Chen is not good as a Judge.	
18	Hong Jun		I oppose injustice.	
19	Qin Wang		Chen can not represent justice	California
20	Bin Zhang		Please remove Chen from the Court.	
21	Fengling Zhen		I oppose injustice.	
22	Michael Lin		Obama must remove Chen as a magistrate, not promote him to be a District Court judge.	

PETITION SIGNATURES

www.petitiononline.com/emc_bad/

Numbe	Name	Email	Comments	Address
23	Ping Zhao		Remove Chen from the Court	
24	Lishen Ying		rights.	
25	Sharon Chen		Chen should be removed from the Court due to his misconducts at legal cases.	
26	Ming Qin		opposition	
27	lisa Fen		Chen is NOT qualified to be appointed.	
28	Huilan Yang		against corruption in judicial system	
29	Jack Meyer		I've lost hope in the judicial system.	
30	Eric Zhu		Chen is a disgrace to all Asians	
31	Joy Z.		I hope this man is punished	
32	Ting G		Edward Chen is a liar	
33	J Qian		remove chen from office immediately	
34	Ken Zhang		Edward Chen - RESIGN NOW!	
35	Mary Fisher		this magistrate's behavior is an abomination	
36	Paul K		actions	
37	Henry		our court system's blatant lies are finally revealed here	
38	Wilson Jose		chen's actions offend all minorities	
39	M Ronald		NO TO CHEN!	
40	Lucy Sharma		this man be appointed. What will happen to my rights?	
41	Meena Sampath		license?	
42	K Wang		This man is the epitome of injustice	
43	Qin Feng		What an awful person!	
44	Gary Lin		How does he sleep at night?	
45	Xu K		i wonder if he still considers himself human	
46	Jason Gupta		i fully support this petition	
47	Lina Tao		obama was supposed to help civil rights, not remove them by nominating edward chen	
48	Susie Chen		edward chen is social injustice at its peak	
49	Xing P.		I hope Obama regrets nominating Edward Chen and immediately retracts it!	
50	Alexander Chen		EDWARD CHEN MUST RESIGN NOW!	
51	Ju Xia		Chen - God will punish you	
52	Hong Zheng		Chen will be punished	
53	B Garcia		CHEN - LEAVE OFFICE!	
54	John Durham		I am a parent, and I am very glad my son did not choose to go into law. It's people like Edward Chen that make the entire US corrupt.	

PETITION SIGNATURES

www.petitiononline.com/emc_bad/

Number	Name	Email	Comments	Address
55	fang Shih		No to Edward Chen	
56	Yong Yang		we need JUSTICE not injustice.	
57	Kunyang Chen		No to a corrupt judge	
58	Jin Fan		No to injustice !	
59	Linda Lei		We are concerned about basic human rights violated by this corrupt judge.	Milpitas C
60	haiqun yun		Chen?s judicial conduct is poor.	
61	Xiaoling		Please reconsider the Nomination of Chen.	
62	Kevin Thompson	kminma@comcast.net	Judicial corruption is out of control in this country. The Catholic priest scandal has nothing on the betrayals of public trust occurring in our courts, which are accountable to no one. How much longer are our legislators going to ignore the problem?	
63	Ming Shi		I Oppose the Nomination of Edward M. Chen to Federal Bench	
64	Yue Bai		I oppose the nomination of Edward M Chen	
65	Jon Steele		Obeys and defend the Constitution or its treason	
66	li ying	iis3x@126.com	she(chen) tooo bad to chinese	
67	Randy Pentico		He can not be trusted.	
68	hanjuan jin		We need real justice in the system	
69	Ronald E. Jenks, Sr.		Take America back!	
70	Shelton Liu		Chen.	San Jose
71	John Stevens		Obama needs to choose another prominent candidate to fill Seat.	
72	Sondra Clark		We need to know Chen's birthplace , if he was born outside the United States, he can't become a U.S. Federal judge.	
73	Ming Hua		I am not happy when Chen was appointed to the Federal Bench.	
74	Xiao Hua		No to Chen.	
75	Ailan Shih		The nomination of Edward Chen to Federal Bench is a big mistake	
76	Qing He		No to Injustice. No to Chen.	
77	Nancy Liang		I don't feel safe with Edward Chen.	
78	Shihong Chen		No to Chen	
79	Mingjun Zhao		I oppose Edward Chen.	
80	Li Kai		I oppose Chen	
81	Huang Ping		choose another candidate instead of Chen.	

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Number	Name	Email	Comments	Address
82	Mike L. Tran		I don't believe Chen based on his record.	
83	Ting Zhang		No to Chen.	
84	Lucy Yang		We need justice.	
85	Zilan Bai		Chen demonstrates a poor judicial conduct.	
86	Baichao Li		Based on Chen's record, I don't trust him.	
87	Edward Zhang		Chen can be replaced by any one if we don't care an nominee's integrity	
88	Zhiquang lei		Chen made clear errors in the past cases, I oppose the Nomination of Chen.	
89	peter Lin		please replace him	
90	Dalun Zheng		I don't trust Chen	
91	Eric Li		No to corruption in judicial system	
92	Bowen zhang		Chen is not qualified to be a judge	
93	Zhu, Ping		I am concerned my human rights	
94	yongping zhu			
95	Dr. Wendy Xia		If a judge abuse the doctrine of judicial immunity, there will be justice for no one.	
96	Hong Sun			
97	Boping Song			
98	JAMES			
99	Gary Multer		There is no evidence showing that Chen was a good magistrate.	
100	Yin Lu			
101	Yawen Chen			
102	Longjun Wu			
103	Dr. Bojun Song		Corruption in the judiciary negatively affects the implementation of the principles of fair trial and erodes the rule of law	
104	Wenping Feng			
105	Scott Li			
106	Jack Zhang			
107	Meiyun Lin		I have concerns about Chen's judicial philosophy	
108	PAUL		I read a litigant 's complaint against Chen, I have concerns about Chen's integrity.	
109	Lucy Liang			
110	Beverly Wong			
111	Robert Lackman	hubaoqingdao@	Proverbs 18:5 It is not good to be partial to the wicked or to deprive the innocent of justice	

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Number	Name	Email	Comments	Address
112	Qiling Yang			
113	Tao Zhao		I am a Chinese American. I oppose the Nomination of Chen because we need justice.	
114	Robert Bensley	brilliantvideo@	Keep him out	Boston M
115	TAMARA			
116	Chunbo Zhang		Distrot the records and bully a small compnny, Chen's integrity is questioned.	
117	Ying Zhang			
118	Xiaohua Shih			
119	Guo, Hongying			
120	Yang He			
121	Yong Ping			
122	Eric Zhou		Based on the errors made by Chen in the cases of 2006, I oppose the Nomination of Chen.	
123	Joy Zhao		Chen?s judicial philosohpy raises serious concerns on whether he can be true to do equal right to the poor and to the rich.	
124	Chi Zhang		I oppose Chen's nomination and confirmation.	
125	Ye Chen			
126	Wenke Wang			
127	Jin Lin			
128	Tao Li		No to Chen, He can not do equal right to all based on the Netbula v. Symantec case	
129	Xinglian Zhao		Chen?s contortionist jurisprudence make me sick	
130	Andrew Xia			
131	Yiming			
132	Michael			
133	Andrew Lee		I oppose the nomination of Edward Chen because he made a biased judgement toward a small company. How can I trust him in any other cases?	
134	Penny Woo		Judge of the U.S. District Court should be a person who can constantly exercise objective judgement.	
135	Aljerin Butler, Jr	albutlerjr@hotmail	It does happen some time.	Framingh
136	Lisa Wu		Chen is not good as a magistrate, how can he become a District Judge ?	California
137	Peter Wong		Chen made clear errors in the case Netbula v. Symantec because he was able to abuse the doctrine of judicial immunity.	CA

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138	Qiang Wei			
139	Qing He		Look at the case Netbula v. Symantec, I cannot trust him in any other cases.	
140	Kai Li			
141	Tianming Lu			
142	Yiang Yu			
143	Pingyang			
144	Yuming Lu			
145	Bo Wen			
146	Liping Yang		Keep Chen out !	
147	Li Yue		Chen's ruling in the Netbula v. Symantec litigation, Chen is not good Judge.	
148	Xing Li		I oppose the nomination of Chen	
149	Qiling Li			
150	Andy Liu		I don't want to pay my tax money to Chen because he has manifested bias.	
151	Ping Zhu		This system is full of flaws and liars, how could we expect to get a qualified judge from the liars?	
152	Bob Shieh			
153	Stella Lin			
154	Lisa Chhi			
155	Larry Fell			
156	Marilyn Nakamura		Keep Chen out of our courtrooms!	
157	Brandon Gupta			
158	Rose Zhang			
159	Mason Li			
160	Sasha Karrach			
161	barry liu			
162	Carrie Sok			
163	Zihao Wu			
164	ray ip			
165	Ramya Syed		what an awful man	
166	Dan Pasahan			
167	Lawson Gabtuck			
168	Michael He			
169	Maria Kotak			
170	Shuzo Yamagami			
171	Meiling Poon		I can't believe he's even a judge	

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Number	Name	Email	Comments	Address
172	Sihong Chen		I cannot blindly support Chen because he is Chinese.	
173	Fang Liu			
174	Lanfang He		Based on Chen's ruling in the Netbula v. Symantec, I and my family oppose the nomination of Chen.	
175	adolph rubio		I DON'T THINK HE'S THE RIGHT MAN	
176	Ari Cohn	acohn@majicom	hello	1514 Alta
177	AGBA Leon		an	
178	Liang Feng	yl01776@gmail	Keep him out.	Massachu
179	Jing Fei Zhu	yl01776@gmail	Say no to Chen	
180	Lily Fan			
181	Fengmei Yu			
182	Jack Chen			
183	Qiming Li			
184	Cindy Liu		Chen is actually purposely ruling on behalf of parties with money and power, thereby eliminating the rights of all citizens.	San jose,
185	Wen Zhao		Chen is not a right man	
186	Xiangling			
187	Bin Yang		We are concerned about basic human rights violated by this corrupt judge.	
188	Ying Liu			
189	Wenhua Zhu			
190	Wang, Jun		Don't let Chen to manipulate his status as a minority to appear as though he is furthering civil rights,	California
191	LiKai Wang			
192	Andrew Lique Li		Oppose someone with a trace record like Mr Chen's to be on the federal bench	
193	Benton Bain		Oppose the Nomination of Edward M. Chen to Federal Bench	

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194	Bill E.		not a supporter of President Obama, or of the current majority party in Congress. But I can see nothing in the information provided here which shows bias or shows this person is in any way unfit for a judicial appointment. Obviously any court case involves a dispute as to the facts, and a judge has to make a decision to place more weight on one set of evidence than the other. I know nothing about this judge and nothing about this court case other than what I have read here, but from what I can gather, this petition is being organized by people who may be connected with the losing side in this particular court case. That is no reason to disqualify someone from a judicial appointment.	
195	Doyle F. Harrell		Any judge should represent all parties equally. Obviously this is not the case with Mr. Chen.	
196	Doyle F. Harrell		Any judge should represent all parties equally. Obviously this is not the case with Mr. Chen.	
197	Darlene Crawford		Please watch who gets on the bench. We are depending on you.	
198	Darlene Crawford		Please watch who gets on the bench. We are depending on you.	
199	Arthur Gnaegy		No way this should go through at all	7399 club
200	Debbie Diefenderfer		No way this should happen	
201	Dalene Cornelia		Say "NO" to Chen	
202	Debra Biffert	biff@pop.ctctel.c	I oppose Ed Chen's nomination to Federal Bench	
203	Xukai Li		I oppose the nomination of Chen after reading a litigant's complaint against Chen's misconducts.	Redwood,
204	Gaiwen Shih			
205	Edmund Gruebele		I Oppose the attached petition.....	
206	Peter Huang		The improper practices by Chen in Federal District Court highlight problems in the judicial system, which need to be changed. The absolute immunity is required for the benefit of the public, not for the protection of malicious or corrupt judges.	
207	Fang Lin		I Oppose the Nomination of Chen	
208	bill dillon		yet another non transparent	
209	Dayne Penney		Please oppose this nomination	

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Number	Name	Email	Comments	Address
210	Christine Chang		I "OPPOSE" the nomination of Chen to Federal Bench because my own painful experience of Chen's extremely bias and prejudice judgments against plaintiffs despite mounting evidence of disabled plaintiffs who are injured tremendously by the defendants. I "OPPOSE" the nomination of Chen who disallowed plaintiffs taking discovery then abruptly judged against plaintiffs without reinstating discovery helping the defendants take advantage of plaintiffs who are lay persons. I "OPPOSE" the nomination of Chen who is extremely bias and prejudice against plaintiffs and could not uphold law and U.S. Constitution.	
211	Doris Ulrich		Please remove Chen	
212	David Colacchio		Truth and Justice	
213	Carl Gula		Opposed	Lansdale
214	Bill Sparks	bsparks@sparks	Do not vote for E.M. Chen to Federal Bench	
215	Debbie Darnold		Not a good choice	Hannibal
216	Colin Nicholas	colin.coac@gmail	we need judges of integrity and honesty	
217	Barbara Williamson		oppose Judge Chen	