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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

<p>CALIFORNIA COALITION FOR FAMILIES AND CHILDREN and COLBERN C. STUART,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>SAN DIEGO COUNTY BAR ASSOCIATION et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>CASE NO. 13-cv-1944-CAB (JLB)</p> <p>ORDER DISMISSING CASE WITH PREJUDICE, DENYING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION, AND DENYING DEFENDANTS' MOTION FOR SANCTIONS</p>
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This matter comes before the court on the omnibus motion to dismiss filed by defendant San Diego County Bar Association and on the joinders and supplemental motions of additional defendants. [Doc. Nos. 131, 134-135, 137-152.] Also before the court is plaintiffs' motion for a preliminary injunction and certain defendants' motion for sanctions. [Doc. Nos. 109, 160.]

BACKGROUND

This action was initiated in August 2013. [Doc. No. 1.] The original complaint totaled 175 pages (plus 1156 pages of exhibits) and named about fifty defendants. After hearing oral argument on several defendants' motions to dismiss, the court dismissed

1 the original complaint with leave to amend. The complaint was dismissed as to the two
2 corporate plaintiffs, Lexevia, PC and California Coalition for Families and Children,
3 because corporations must appear in court through an attorney. *D-Deam Ltd. P'Ship*
4 *v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004); CivLR 83.3(k). The
5 court dismissed plaintiff Colbern C. Stuart's claims because he failed to comply with
6 Rule 8 of the Federal Rules of Civil Procedure. In affording plaintiffs leave to amend,
7 the court noted that while Stuart proceeds *pro se*, he was formerly a licensed attorney
8 with a complex litigation practice and should be capable of crafting a complaint in
9 compliance with Rule 8.

10 Stuart and California Coalition filed their amended complaint on January 9,
11 2014.¹ [Doc. No. 90.] California Coalition is now represented by counsel Dean
12 Browning Webb. Plaintiffs' amended complaint totals 251 pages, with 1397 more
13 pages in exhibits. The allegations generally relate to four occurrences: Stuart's
14 dissolution proceedings, his criminal prosecution, events at a San Diego County Bar
15 Association seminar, and defendants' demands that Stuart remove references to judges'
16 home addresses in the original complaint. About sixty defendants are named, some of
17 whom are referenced only several times throughout the complaint's 1200-plus
18 paragraphs. For instance, defendant Steven Jahr, identified as the Administrative
19 Director of the Administrative Office of the Courts, is mentioned by name in only seven
20 paragraphs. [*Id.* ¶¶ 12, 698, 700, 702, 738, 915k, 931.] Similarly, the only factual
21 allegations against defendant Meredith Levin are that she is an attorney licensed to
22 practice in California and an organizer of the SDCBA seminar. [*Id.* ¶¶ 43, 110, 152,
23 915nn.]

24 Plaintiffs divide their complaint into fifteen counts, an additional eleven RICO
25 counts, and two counts for prospective relief. Each of the first fifteen counts is further
26 divided into "claims." For example, Count 1 is broken down into Claims 1.1 through
27 1.13. In total, plaintiffs assert about 75 "claims" in their first 15 counts.

28 ¹ Lexevia is no longer a party.

1 Some of plaintiffs' assertions are so implausible as to be offensive. For instance,
2 plaintiffs accuse well over fifty defendants (including judges, attorneys, doctors, social
3 workers, and law-enforcement officers) of conspiring to commit racketeering activity
4 including enticement into slavery, sale into involuntary servitude, transportation of
5 slaves, and service on vessels in slave trade, 18 U.S.C. §§ 1583-1586. [*Id.* ¶ 1000.]

6 Further, as with the original complaint, plaintiffs fill the amended complaint with
7 their unique acronyms,² defined terms,³ and terms with no discernable meaning.⁴ Look
8 for instance at paragraphs 683 and 684:

9 683. ALKSNE further maintained supervisory responsibility over each
10 STUART ASSAULT COORDINATOR, the PREPARATION
11 AND PLANNING of the SDCBA SEMINAR, and in the conduct
12 and operation of the SD-DDICE, DDI-FICE, DDI-IACE, and
13 STUART-AHCE ENTERPRISES. She is further a principal
14 conductor and participant of the DDICE, the SD-DDICE, DDI-
15 FICE, DDI-IACE, and supervisor of all San Diego affiliates and
16 participants thereof.

17 684. On information and belief, ALKSNE CULPABLY and
18 UNREASONABLY failed to perform her own PROFESSIONAL
19 DUTIES and one or more SUPERVISORY DUTY over her
20 subordinates, setting in motion the subordinate's acts as elsewhere

21 ² Plaintiffs' acronyms include: AHCE ("Ad Hoc Criminal Enterprise"), DDI ("Domestic
22 Dispute Industry"), DDIA ("Domestic Dispute Industry Advocates"), DDICE ("Domestic Dispute
23 Criminal Enterprise"), DDI-FICE ("Domestic Dispute Industry Forensic Investigator"), DDI-IACE
24 ("Domestic Dispute Industry Intervention Advocate Criminal Enterprise"), DDIJO ("Domestic
25 Dispute Industry Judicial Official"), DDISO ("Domestic Dispute Industry Security Officers"), DDISW
26 ("Domestic Dispute Industry Social Workers"), DDIL ("Domestic Dispute Industry Litigants"),
27 DVILS ("Domestic Violence Intervention Legislative Scheme"), FFR ("Family Federal Rights"),
28 FFRRESA ("Federal Family Rights Reform, Exercise, Support, and Advocacy"), FICRO ("Federal
Indictable Civil Rights Offenses"), and SAD ("Scheme and Artifice to Defraud").

³ For instance, plaintiffs provide their own definitions for the following terms: ACCESS TO
JUSTICE, ASSOCIATION, BUSINESS DEVELOPMENT, CHILL, CLAIM AND DEMAND,
COLOR OF LAW DEFENDANTS, COMMERCIAL PURPOSES, COMMERCIAL SPEECH,
CRUEL AND/OR UNUSUAL PUNISHMENT, CULPABLY, DOMESTIC RELATIONS CLASS,
DOYNE TERRORISM, DUE ADMINISTRATION OF JUSTICE, ENGAGEMENT, EQUAL
PROTECTION CLASSES, ENTERPRISE ALLEGATIONS, EXCESSIVE FORCE, EXPRESSION,
FALSE IMPRISONMENT, HARASSMENT AND ABUSE, MALICIOUS PROSECUTION,
OBSTRUCTION OF JUSTICE, THE PIT, PLANNING AND DELIVERY, POSITION UNDER THE
UNITED STATES, PRIVACY, PROFESSIONAL DUTIES, PROSECUTORIAL MISCONDUCT,
PUBLIC BENEFIT ACTIVITY, SEARCH AND SEIZURE, STUART ASSAULT, STUART
ASSAULT COORDINATOR, SUBSTANTIVE DUE PROCESS, SUPERVISING DEFENDANTS,
and UNREASONABLY.

⁴ Plaintiffs repeatedly use terms like "black hat," "false flag," "kite bombs," "paperwads," and
"poser advocacy."

1 alleged, depriving Plaintiffs of rights as elsewhere alleged, causing
2 injury in a nature and amount to be proven at trial.

3 [Doc. No. 90 ¶¶ 683, 684] (capitalization in original). To understand these paragraphs,
4 one must flip back and forth to obtain definitions of terms defined in paragraphs 152
5 (STUART ASSAULT COORDINATOR), 931 (SD-DDICE), 940 (DDI-FICE), 937
6 (DDI-IACE), 944 (STUART AHCE), 147 (CULPABLY and UNREASONABLY), and
7 637 (SUPERVISORY DUTIES).⁵

8 Defendants often can't determine whether claims are asserted against them. One
9 cause of defendants' trouble is plaintiffs' inconsistent definitions. For instance,
10 plaintiffs first define the "CITY ATTORNEY DEFENDANTS" as defendants Emily
11 Garson, Jan Goldsmith, and Christine Goldsmith, but later expand that group to also
12 include Judges Wohlfeil and Schall. [*Id.* ¶¶ 349, 383.] Thus, Judges Wohlfeil and
13 Schall cannot be sure whether Claim 3.6, asserted "against all CITY ATTORNEY
14 DEFENDANTS," is asserted against them. [*Id.* ¶ 498.] Similarly, plaintiffs sometime
15 identify a particular group of defendants in a claim heading, then modify that group in
16 the ensuing paragraph. For instance, the defendants identified in the header for
17 plaintiffs' "Racketeering Claim for Relief 3.2" are "CITY ATTORNEY
18 DEFENDANTS, GROCH, GORE," but the ensuing paragraph additionally identifies
19 the SDCBA. [*Id.* ¶ 1049.]

20 DEFENDANTS' MOTIONS TO DISMISS

21 After the amended complaint was filed, the court held a case management
22 conference and established a briefing schedule for defendants' motions to dismiss.
23 [Doc. No. 107.] In accordance with that schedule, defendant San Diego County Bar
24 Association filed an omnibus motion to dismiss. [Doc. No. 131.] Two weeks later,
25 additional defendants filed joinders and supplemental motions to dismiss. Plaintiffs
26 responded in opposition to the motions, and defendants replied.

27 ⁵ See *U.S. ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 377 (7th Cir. 2003) ("The
28 acronyms alone force readers to look elsewhere To understand the paragraph one would have
to read two exhibits and seventy-seven paragraphs scattered throughout the third amended
complaint!")

1 In their motions to dismiss, defendants argue many grounds for dismissal, some
2 applicable to all defendants, some tailored to subsets or individual defendants. A
3 recurring contention—one which the court finds meritorious—is that the amended
4 complaint should be dismissed for failure to comply with Rule 8 of the Federal Rules
5 of Civil Procedure.

6 Rule 8 requires a pleader to put forth “a short and plain statement of the claim
7 showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). As this court
8 noted in its previous order dismissing the original complaint, the Ninth Circuit has
9 affirmed dismissal on Rule 8 grounds where the complaint is “argumentative, prolix,
10 replete with redundancy, and largely irrelevant,” *McHenry v. Renne*, 84 F.3d 1172,
11 1177-80 (9th Cir. 1996), “verbose, confusing and conclusory,” *Nevijel v. North Coast*
12 *Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981), or where it is “impossible to designate
13 the cause or causes of action attempted to be alleged in the complaint,” *Schmidt v.*
14 *Herrmann*, 614 F.2d 1221, 1223 (9th Cir. 1980). Further, the Ninth Circuit has
15 “affirmed dismissal with prejudice for failure to obey a court order to file a short and
16 plain statement of the claim as required by Rule 8, even where the heightened standard
17 of pleading under Rule 9 applied.” *McHenry*, 84 F.3d at 1178 (citing *Schmidt*, 614 F.2d
18 at 1223-24); *see also Nevijel*, 651 F.2d at 673.

19 Here, in dismissing the original complaint, the court noted that while Stuart
20 proceeds *pro se*, he was formerly a licensed member of the California bar with a
21 complex litigation practice. [Doc. No. 88 at 9.] Thus, the court informed Stuart of its
22 expectation that his amended complaint would comply with Rule 8. [*Id.*] Instead,
23 plaintiffs’ amended complaint—which was signed by Stuart and by Dean Browning
24 Webb as attorney for California Coalition—is even longer than the original and remains
25 unmanageable, argumentative, confusing, and frequently incomprehensible. [Doc. No.
26 90.]

27 Plaintiffs’ repeated failure to comply with Rule 8(a) prejudices defendants, who
28 face “the onerous task of combing through [plaintiffs’ lengthy complaint] just to prepare

1 an answer that admits or denies such allegations and to determine what claims and
2 allegations must be defended or otherwise litigated.” *Cafasso, U.S. ex rel. v. Gen.*
3 *Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1059 (9th Cir. 2011). And plaintiffs’
4 noncompliance harms litigants in other matters pending before the court. “Rule 8(a)
5 requires parties to make their pleadings straightforward, so that judges and adverse
6 parties need not try to fish a gold coin from a bucket of mud. Federal judges have better
7 things to do, and the substantial subsidy of litigation (court costs do not begin to cover
8 the expense of the judiciary) should be targeted on those litigants who take the
9 preliminary steps to assemble a comprehensible claim.” *U.S. ex rel. Garst v.*
10 *Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003).⁶

11 CONCLUSION

12 Plaintiffs’ original complaint was dismissed in part for failure to comply with
13 Rule 8(a)’s requirement of “a short and plain statement of the claim showing that the
14 pleader is entitled to relief.” Though the court afforded plaintiffs an opportunity to
15 amend their complaint to comply with Rule 8, plaintiffs filed an equally unmanageable
16 amended complaint. Due to plaintiffs’ inability—or unwillingness—to file a complaint
17 that complies with Rule 8, the court finds that granting further leave to amend would
18 unduly prejudice defendants. Accordingly, defendants’ pending motions to dismiss are
19 granted, and this action is dismissed with prejudice. In light of this dismissal, the court
20 denies plaintiffs’ motion for preliminary injunction. [Doc. No. 109.]

21 Finally, the court has reviewed the motion for sanctions filed by the Superior
22 Court of California, County of San Diego and the Administrative Office of the Courts.
23 [Doc. No. 160.] Although the court finds that plaintiffs’ amended complaint fails to
24 comply with Rule 8, and the amended submission is even more unmanageable than the
25 original (despite the court’s admonishment that plaintiffs rid the pleading of its
26 voluminous surplusage and argumentative text), the court does not conclude that

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28 ⁶ “District judges are busy, and therefore have a right to dismiss a complaint that is so long
that it imposes an undue burden on the judge, to the prejudice of other litigants seeking the judge’s
attention.” *Kadamovas v. Stevens*, 706 F.3d 843, 844 (7th Cir. 2013).

1 plaintiffs' filing was made solely for the purpose of harassing the defendants or in
2 contempt of the court's order to file a Rule 8 compliant pleading. No monetary sanction
3 will be awarded, and the motion for sanctions is denied.

4 **IT IS SO ORDERED.**

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6 DATED: July 8, 2014

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8 **CATHY ANN BENCIVENGO**
United States District Judge

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