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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11	ROBERT JACOBSEN, an individual,)	No. C06-1905-JSW
12)	
12	Plaintiff,)	[PROPOSED] ORDER GRANTING
13)	PLAINTIFF’S MOTION FOR
13	v.)	SANCTIONS AGAINST ROBERT SCOTT
14)	JERGER
14	MATTHEW KATZER, an individual, and)	
15	KAMIND Associates, Inc., an Oregon)	Courtroom: 2, 17th Floor
15	corporation, dba KAM Industries,)	Judge: Hon. Jeffrey S. White
16)	
16	Defendants.)	
17)	
17)	

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19 Having considered Plaintiff’s Motion for Rule 11 Sanctions and for Sanctions Under the
20 Court’s Inherent Power Against Robert Scott Jerger, and any opposition thereto, the Court
21 GRANTS the motion.

22 As shown in Plaintiff’s statement of facts, the Court finds that Jerger failed to investigate
23 the facts prior to filing Defendants’ Opposition to Plaintiff’s Amended Motion for Leave to File a
24 Second Amended Complaint. He repeatedly misrepresented the facts, which were within his
25 possession because he filed the relevant papers and was present at the hearings. For the same
26 reasons, the Court also finds Jerger failed to investigate the facts prior to filing Defendants’ Motion
27 for Sanctions Against Victoria K. Hall. A reasonable and competent inquiry would have
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uncovered the facts and the law, and shown that the Amended Motion for Leave to File a Second Amended Complaint was well-founded. The Court also finds Jerger made his filings for an improper purpose – to delay litigation, increase costs, and to interfere with Jacobsen’s appellate briefing.

The Court also finds that Jerger has presented overruled case law and represented it as binding precedent. As Plaintiff correctly notes, this is not the first time. Thus, the Court sanctions Jerger under its inherent powers for failing to identify this case law as having been overruled.

The Court sanctions Jerger as follows:

Jerger is to pay a fine of \$_____. This fine is to be paid to the Court.

Jerger is to pay Plaintiff’s attorney’s fees and costs for bringing this motion, for replying to Defendants’ Opposition to the Amended Motion for Leave to File a Second Amended Complaint, and for opposing Defendants’ Motion for Sanctions. Plaintiff is to file his attorney fee and costs petition within 10 days.

Dated:_____

Hon. Jeffrey S. White
District Court Judge