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*PRO SE*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**FILED** *Blc*  
JUN 10 2014  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THINK COMPUTER FOUNDATION, an  
Ohio 501(c)(3) non-profit corporation;  
THINK COMPUTER CORPORATION, a  
Delaware corporation,

Plaintiffs,

v.

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS; UNITED  
STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA;  
and AMERICAN BAR ASSOCIATION,

Defendants.

Case No. 5:14-cv-02396-BLF

**MOTION TO STRIKE DEFENDANT  
AMERICAN BAR ASSOCIATION'S  
UNOPPOSED MOTION FOR  
ADMINISTRATIVE RELIEF TO EXTEND  
THE TIME BY WHICH THE AMERICAN  
BAR ASSOCIATION MUST RESPOND TO  
THE COMPLAINT; AND MOTION FOR  
ORDER TO SHOW CAUSE AS TO WHY  
THE COMPLAINT SHOULD NOT BE  
DISMISSED AND ASSOCIATED  
DOCUMENTS**

Judge Beth Labson Freeman

1           Plaintiffs Think Computer Corporation and Think Computer Foundation  
2 (collectively, "Plaintiffs") hereby respectfully move to strike the June 9, 2014 motions and  
3 attachments thereto (Docket Nos. 11 and 13) filed by Defendant American Bar Association  
4 ("ABA") for failure to comply with Civil Local Rules 5-1(c)(2)(A) and 7-2(b). For reasons  
5 not entirely clear, purported counsel for Defendant ABA chose not to file a Notice of  
6 Appearance, and then to spontaneously file two completely separate and independent  
7 motions, only one of which is unopposed, in one awkwardly combined document.

8           Civil Local Rule 5-1(c)(2)(A) requires that "A Notice of Appearance must be e-filed  
9 whenever counsel joins a case." No Notice of Appearance was included in the papers hand-  
10 delivered to Plaintiffs on June 9, 2014, and no Notice of Appearance is listed in the PACER  
11 case docket thus far. *See* Docket.

12           Civil Local Rule 7-2(b) states, "In *one* filed document not exceeding 25 pages in  
13 length, *a motion* must contain..." (emphasis added). The intent of the rule is clearly to  
14 establish a one-to-one ratio between motions and their encapsulating documents for the sake  
15 of simplicity and clarity.

16           Unlike the specific Restrictive Local Rules referenced in the Complaint in this case,  
17 Civil Local Rules 5-1(c)(2)(A) and 7-2(b) do not on their face prejudice anyone, and there is  
18 no good reason why they should not be followed—especially by a newly-admitted but  
19 otherwise experienced attorney who only four days ago, on June 6, 2014, supposedly agreed  
20 to Civil Local Rule 11-4(a)(2), to "[c]omply with the Local Rules of this Court," which has  
21 also been violated.

22           On the contrary, Defendant ABA's attempt to compress more than one unrelated  
23 motion into one improper document, such that it might accomplish more than one of its  
24 objectives with one correspondingly improper Proposed Order, is possibly designed to  
25

1 prejudice Plaintiffs, who through their initial pleadings have already made abundantly clear  
2 how prejudiced—whether intentionally or not—the justice system already is against *pro se*  
3 litigants and small businesses.

4 Civil Local Rule 7-2(b) has been taken quite seriously by several judges in this Court  
5 in the recent and distant past.


6 “Under Civ LR 7-2(b), motions are to consist of ‘one filed document not to  
7 exceed 25 pages in length.’ Counterdefendants filed three separate ‘motions’  
8 within one day of each other instead of ‘one filed document’ as required by  
9 the Civil Local Rules. Although none of the documents exceeds twenty-five  
10 pages individually, counterdefendants’ three motions added together total  
11 fifty-eight pages, a sum more than double the allowed page limit. Indeed,  
12 counterdefendants grouped their arguments against the first through third and  
13 fifth claims in one motion and their arguments against the fourth and sixth  
14 through twelfth claims in another motion. This odd grouping suggests the  
15 intent to evade the Civil Local Rules.

16 This type of rule-bending motion practice is unacceptable. The court  
17 regularly grants parties’ requests to file an over-sized memorandum under Civ  
18 LR 7-4 and 7-10. But parties are not permitted unilaterally to impose on the  
19 nonmoving parties and the court the burden of sifting through excessively  
20 long moving papers.”

21 *Burger v. Kuimelis*, 325 F. Supp. 2d 1026, 1030 (N.D. Cal. 2004). Although the present  
22 attempt at “odd grouping” does not appear to be intended to evade page limitations, it is  
23 nonetheless extremely confusing, and perhaps deliberately so. The document’s caption  
24 alone, requiring a semicolon, is barely intelligible and hardly clear, especially as to the fact  
25 that one motion is unopposed, while the other is not.

26 In another example, Judge Koh of this District herself emphasized that each motion  
27 “should be ‘[i]n one filed document not exceeding 25 pages in length.’” *Errico v. Pacific*  
28 *Capital Bank, NA*, 753 F. Supp. 2d 1034, footnote 1 (N.D. Cal. 2010). In *Errico*, Judge Koh  
29 did not strike the documents because “[t]hough Defendants did not comply with the Civil  
30 Local Rules, Plaintiffs have opposed both motions and have not alleged any prejudice.” *Id.*  
31 Here, Plaintiffs have not yet filed any responsive pleadings, and do allege prejudice.

Respectfully submitted,

By:   
Aaron Greenspan  
President  
THINK COMPUTER FOUNDATION

By:   
Aaron Greenspan  
President & CEO  
THINK COMPUTER CORPORATION

**CERTIFICATE OF SERVICE**

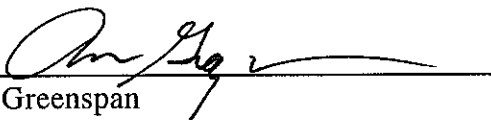
The undersigned certifies that, on June 10, 2014, a true copy of the foregoing **MOTION TO STRIKE DEFENDANT AMERICAN BAR ASSOCIATION'S UNOPPOSED MOTION FOR ADMINISTRATIVE RELIEF TO EXTEND THE TIME BY WHICH THE AMERICAN BAR ASSOCIATION MUST RESPOND TO THE COMPLAINT; AND OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE AS TO WHY THE COMPLAINT SHOULD NOT BE DISMISSED AND ASSOCIATED DOCUMENTS** is being served via electronic mail, pursuant to written agreements between the parties, at the following e-mail addresses:

**Administrative Office of the United States Courts**  
**United States District Court for the Northern District of California**  
James A. Scharf  
Assistant United States Attorney  
james.scharf@usdoj.gov

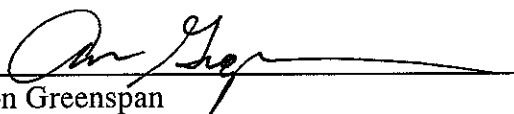
**American Bar Association**  
Bety Javidzad  
Venable, LLP  
bjavidzad@venable.com

Dated: June 10, 2014

By:

  
Aaron Greenspan  
President  
THINK COMPUTER FOUNDATION

By:

  
Aaron Greenspan  
President & CEO  
THINK COMPUTER CORPORATION