

VENABLE LLP
SPEAR TOWER, 40TH FLOOR ONE MARKET PLAZA
1 MARKET STREET
SAN FRANCISCO, CA 94105

1 VENABLE LLP
2 Douglas C. Emhoff (SBN 151049)
3 Email: demhoff@venable.com
4 Jessica L. Grant (SBN 178138)
5 Email: jgrant@venable.com
6 Bety Javidzad (SBN 240598)
7 Email: bjavidzad@venable.com
8 Spear Tower, 40th Floor
9 One Market Plaza
10 1 Market Street
11 San Francisco, CA 94105
12 Telephone: 415.653.3750
13 Facsimile: 415.653.3755

14 Attorneys for Defendant
15 AMERICAN BAR ASSOCIATION

16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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. 14CV02396 BLF PSG

Hon. Beth L. Freeman
Courtroom 3, 5th Floor

**OPPOSITION TO PLAINTIFFS'
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**

[Local Rule 7-11]

VENABLE LLP
SPEAR TOWER, 40TH FLOOR ONE MARKET PLAZA
1 MARKET STREET
SAN FRANCISCO, CA 94105

Defendant American Bar Association (“ABA”) hereby opposes Plaintiffs Think Computer Foundation and Think Computer Corporation’s (“Plaintiffs” or “the Plaintiff corporations”) Motion to Strike [D.E. 14] the ABA’s Unopposed Motion for Administrative Relief to Extend the Time by which the ABA Must Respond to the Complaint; and Motion for Order to Show Cause as to Why the Complaint Should Not Be Dismissed (“Motion”) [DE. 11].

First and foremost, the Court should not even consider Plaintiffs’ Motion to Strike as, pursuant to this Court’s Local Rule 3.9(b), a “corporation...may appear *only* through a member of the bar of this Court” (emphasis added). Mr. Greenspan is not a licensed attorney before *any* court, and is refusing to retain counsel in this matter. *See* Declaration of Bety Javidzad in Support of Motion, ¶¶ 6-8 [D.E. 11].

Second, Plaintiffs acknowledge in their Motion to Strike (page 1, line 7; page 2, line 18.5), that the ABA’s Motion for Administrative Relief, requesting that the Court extend the ABA’s deadline to respond to the Complaint from June 23, 2014 to a date no earlier than August 4, 2014, is in fact *unopposed*. Therefore, the ABA respectfully requests that the Court extend the deadline for the ABA to respond to the Complaint to a date no earlier than August 4, 2014—which is the current deadline for Defendant Administrative Office of the United States Courts and Defendant United States District Court for the Northern District of California to respond to the Complaint.

Finally, Plaintiffs do not and cannot explain how they are prejudiced by any alleged violations of the Local Rules on the part of the ABA, nor provide any support for how such alleged violations would be valid bases to move to strike the ABA’s Motion. The ABA’s Motion constituted notice of Venable LLP’s appearance in this matter on behalf of the ABA, and the docket reflects counsel information for the ABA. *See* Docket. Moreover, the ABA’s Motion is in “one filed document” and is *less than five pages*, and is therefore consistent with Local Rule 7-2(b), as well as the page limitations in Local Rule 7-11(a). Furthermore,

1 the ABA's Motion, including the caption, is clear that only the ABA's request for
2 an extension of time is "unopposed."

3 Based on the foregoing, the ABA respectfully requests that the Court deny
4 the Plaintiffs' Motion to Strike [D.E. 14], and that, pursuant to Local Rule 7-11, the
5 Court:

6 1) grant the ABA's Motion for Administrative Relief, requesting an
7 extension of time for the ABA to respond to the Complaint to no earlier than
8 August 4, 2014, which is *unopposed*; and

9 2) use its discretion to set an Order to Show Cause in regards to Mr.
10 Greenspan's qualification to represent the Plaintiff corporations in this matter.

11
12 DATED: June 11, 2014

VENABLE LLP

13
14 By: /s/ Bety Javidzad

15 Bety Javidzad
16 Attorney for Defendant
17 AMERICAN BAR ASSOCIATION
18
19
20
21
22
23
24
25
26
27
28