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13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15	VINZENZ J. KOLLER, an individual and Presidential)	Case No. 5:16-cv-07069
16	Elector,)	
17	Plaintiffs,)	PLAINTIFF’S OPPOSITION TO
18	v.)	MOTION TO INTERVENE OF
19	JERRY BROWN, in his official capacity as)	JANIS KAIGHN AND GREGORY R.
20	Governor for the State of California; KAMALA)	KAIGHN [DOC. #38]
21	HARRIS, in her official capacity as Attorney)	Date: June 15, 2017
22	General for the State of California; ALEX)	Time: 9:00 a.m.
23	PADILLA, in his official capacity as Secretary)	Courtroom 4, Fifth Floor
24	of State for the State of California; and DOES 1-)	Hon. Edward J. Davila
25	10;)	
26	Defendants.)	
27)	
28)	

25 Plaintiff Vinzenz Koller, through his counsel, opposes the Motion to Intervene of
26 Janis Kaighn and Gregory Kaighn (Doc. #38) for the following reasons.

27 Federal Rule of Civil Procedure 24 sets forth the procedures for intervention as of
28

1 right, and permissive intervention, in a pending federal civil lawsuit.

2 (a) INTERVENTION OF RIGHT. On timely motion, the court must permit anyone
3 to intervene who:

4 (1) is given an unconditional right to intervene by a federal statute; or

5 (2) claims an interest relating to the property or transaction that is the
6 subject of the action, and is so situated that disposing of the action may as a
7 practical matter impair or impede the movant's ability to protect its interest,
8 unless existing parties adequately represent that interest.

9 (b) PERMISSIVE INTERVENTION.

10 (1) *In General*. On timely motion, the court may permit anyone to
11 intervene who:

12 (A) is given a conditional right to intervene by a federal statute; or

13 (B) has a claim or defense that shares with the main action a common
14 question of law or fact.

15 The Kaighns have claimed entitlement to intervene under both Fed.R.Civ.P. Rule 24(a) and
16 (b), however, a review of their Motion to Intervene does not disclose any federal statute on
17 which they are relying for either an unconditional or conditional right to intervene, nor does
18 it disclose any interest relating to Plaintiff's cause of action as set forth in the Complaint –
19 declaratory judgment that California statutes that penalize presidential electors are
20 unconstitutional. Furthermore, it is unclear what claim or defense the Kaighns are
21 specifically raising that would have common questions or law or fact with the main action
22 plead by Plaintiff.

23 As such, Plaintiff joins with the Defendants (Doc. #53) in asking the Court to deny
24 the Kaighn Motion to Intervene. Furthermore, Plaintiff has no objection to the Court ruling
25 on this matter on the papers and is waiving any right to oral argument on this motion.

26 DATED this 10th day of January, 2017.

27 _____
28 /s/ Melody A. Kramer

Melody A. Kramer, Esq.
Attorney for Plaintiff

PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 4010 Sorrento Valley Blvd., Suite 400, San Diego, California, 92121.

On Tuesday, January 10, 2017 I served the following documents:

PLAINTIFF'S OPPOSITION TO MOTION TO INTERVENE OF JANIS KAIGHN AND GREGORY R. KAIGHN [DOC. #38]

Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Northern District of California.

I declare that the foregoing is true and correct, and that this declaration was executed on Tuesday, January 10, 2017, in San Diego, California.

/s/ Melody A. Kramer

Melody A. Kramer