

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:12-cv-10307-JFW-VBK**

Martin Kempe v. Larry Klayman et al
Assigned to: Judge John F. Walter
Referred to: Magistrate Judge Victor B. Kenton
Case in other court: 9th CCA, 13-55582
Superior Court of CA for the County of Los Angeles, SC117923

Date Filed: 12/03/2012
Date Terminated: 03/05/2013
Jury Demand: Defendant
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Cause: 28:1441 Notice of Removal - Personal Injury

Plaintiff

Martin Kempe
an individual

represented by **Lottie Cohen**
Lottie Cohen Law Offices
3637 Motor Avenue Suite 360
Los Angeles, CA 90034-4883
310-204-0099
Fax: 310-204-0095
Email: lottie.cohen@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant

Larry Klayman
an individual

represented by **Larry Klayman**
Klayman and Associates PC
501 School Street SW Suite 700
Washington, DC 20024
202-646-5160
Email: leklayman@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alice Lewitzke
an individual

represented by **Renee M Daughetee**
Daughetee Law Firm
18881 Von Karman Avenue 16th Floor
Irvine, CA 92612
949-632-2586
Fax: 949-660-0342
Email: rdaughetee@hotmail.com
ATTORNEY TO BE NOTICED

Defendant

Does
1 through 10 inclusive

Date Filed	#	Docket Text
12/03/2012	1	NOTICE OF REMOVAL from Superior Court of CA for the County of Los Angeles, West District, case number SC117923 with CONFORMED FILED copy of summons and complaint. Case assigned to Judge John F. Walter, Discovery to Magistrate Judge Victor B. Kenton. (Filing fee \$ 350 PAID.), filed by Defendant Larry Klayman.(et) (Entered: 12/06/2012)
12/03/2012	2	CERTIFICATION AND NOTICE of Interested Parties filed by Defendant Larry Klayman. (et) (Entered: 12/06/2012)
12/03/2012	3	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 12/06/2012)
12/05/2012	4	STANDING ORDER by Judge John F. Walter: READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES. Counsel are ORDERED to deliver 2 copies of all documents filed electronically in this action to Chambers. For each document filed electronically, one copy shall be marked CHAMBERS COPY and the other copy shall be marked COURTESY COPY. (kbr) (Entered: 12/07/2012)
12/05/2012	5	SELF-REPRESENTATION ORDER by Judge John F. Walter. (kbr) (Entered: 12/07/2012)
12/06/2012	7	NOTICE OF MOTION AND MOTION for Leave to to File Electronically, filed by Defendant Larry Klayman. Motion set for hearing on 1/28/2013 at 01:30 PM before Judge John F. Walter. Lodged Proposed Order. (kbr) (Entered: 12/10/2012)
12/06/2012	8	NOTICE OF MOTION AND MOTION for Extension of Time to File Response to Plaintiff's Complaint, filed by Defendant Larry Klayman. Motion set for hearing on 1/28/2013 at 01:30 PM before Judge John F. Walter. Lodged Proposed Order. (kbr) (Entered: 12/10/2012)
12/07/2012	6	MINUTE ORDER IN CHAMBERS by Judge John F. Walter: Counsel are hereby notified that a Scheduling Conference has been set for 2/4/2013 at 8:30 AM before Judge John F. Walter. Lead Trial Counsel shall attend all proceedings before this Court, including the Scheduling Conference. Counsel are directed to comply with Rule 26 of the Federal Rules of Civil Procedure and Local Rule 26-1 in a timely fashion and to file a Joint Report, on or before 1/22/2013. (jp) (Entered: 12/07/2012)
12/07/2012	9	ORDER by Judge John F. Walter GRANTING Motion for Extension of Time to Answer 8 . Defendant Larry Klayman has until and including 1/14/2013 to file a response to Plaintiff's Complaint. (jp) (Entered: 12/10/2012)
12/12/2012	10	NOTICE of Change of Attorney Information for attorney Lottie Cohen counsel for Plaintiff Martin Kempe. Filed by attorney Lottie Cohen (Cohen, Lottie) (Entered: 12/12/2012)
01/10/2013	11	NOTICE OF MOTION AND MOTION for Extend Time to File Answer to 1/21/2013 filed by Defendant Larry Klayman. Motion set for hearing on 2/11/2013 at 01:30 PM before Judge John F. Walter. Lodged Proposed Order. (kbr) (Additional attachment(s) added on 1/10/2013: # 1 Proposed Order) (kbr). (Entered: 01/10/2013)
01/10/2013	12	ORDER by Judge John F. Walter granting Motion for Extension of Time to Answer 11 . Defendant Larry Klayman has until and including 1/21/2013 to file a response to Plaintiff's Complaint or present other defenses. (jp) (Entered: 01/10/2013)
01/15/2013	13	MINUTES (IN CHAMBERS) by Judge John F. Walter: ORDER GRANTING Defendant Larry Klayman's Motion for Leave to File Electronically 7 . Plaintiff has not filed an Opposition to Klayman's Motion. Pursuant to Local Rule 7-12, the Court deems Plaintiff's

		failure to file an Opposition or to otherwise comply with Local Rule 7-9 as consent to the granting of Klayman's Motion. (jp) (Entered: 01/15/2013)
01/22/2013	14	NOTICE OF MOTION AND MOTION to Dismiss Case, MOTION for Summary Judgment as to Entire Complaint filed by Defendant Larry Klayman. Motion set for hearing on 2/25/2013 at 01:30 PM before Judge John F. Walter. (Attachments: # 1 Memorandum In Support of Motion To Dismiss and For Summary Judgment, # 2 Exhibit Tab A - Affidavit of Martin Kempe, # 3 Exhibit Tab B - Affidavit of Louise Benson, # 4 Exhibit Tab C - Affidavit of Alice Lewitzke, # 5 Supplement Statement of Uncontroverted Facts and Conclusions of Law, # 6 Proposed Order)(Klayman, Larry) (Entered: 01/22/2013)
01/23/2013	15	NOTICE OF MOTION AND MOTION to Stay pending Meet and Confer Conference and Report and Court's Scheduling Conference Presently Set for February 4, 2013 Minutes of In Chambers Order/Directive - no proceeding held, Set/Reset Deadlines/Hearings,, 6 filed by Defendant Larry Klayman. Motion set for hearing on 2/25/2013 at 01:30 PM before Judge John F. Walter. (Attachments: # 1 Proposed Order)(Klayman, Larry) (Entered: 01/23/2013)
01/24/2013	16	STATUS REPORT <i>Rule 26(f)</i> filed by Plaintiff Martin Kempe. (Cohen, Lottie) (Entered: 01/24/2013)
01/24/2013	17	ORDER by Judge John F. Walter DENIED Motion to Postpone Meet and Confer Conference and Report and Court's Scheduling Conference Presently set for 2/4/2013, and All Papers and Agrument in Connection therewith 15 . NO SHOWING OF GOOD CAUSE. (jp) (Entered: 01/24/2013)
01/24/2013	18	RESPONSE filed by Defendant Larry Klaymanto Status Report 16 <i>To Correct the Record</i> (Attachments: # 1 Exhibit Tab A - Email Exchanges Between Counsel)(Klayman, Larry) (Entered: 01/24/2013)
01/25/2013	19	ORDER VACATING SCHEDULING CONFERENCE:The Court has reviewed the parties' Joint Rule 26(f) Report and finds that a Scheduling Conference is not necessary. The hearing on 2/4/13 is vacated and taken off calendar. A Scheduling and Case Management Order will issue. Any unserved DOE defendants are dismissed at this time.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(sr) TEXT ONLY ENTRY (Entered: 01/25/2013)
01/25/2013	20	ORDER/REFERRAL TO ADR:The Court, having considered the parties Request: ADR Procedure Selection, the Notice to Parties of Court-Directed ADR Program, or the report submitted by the parties pursuant to Fed. R. Civ. P. 26(f) and Civil L.R. 26-1, hereby: ORDERS this case referred to ADR PROCEDURE NO. 3: Private mediation. The ADR proceeding is to be completed no later than: 4/1/13 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(sr) TEXT ONLY ENTRY (Entered: 01/25/2013)
01/25/2013	21	SCHEDULING ORDER by Judge John F. Walter: The purpose of this Order is to notify the parties and their counsel of the deadlines and the schedule that will govern this action. SEE THE LAST PAGE OF THIS ORDER FOR THE SPECIFIED DATES. (smo) (Entered: 01/25/2013)
01/25/2013	22	NOTICE Praecipe filed by Defendant Larry Klayman. (Klayman, Larry) (Entered: 01/25/2013)
02/01/2013	23	STIPULATION to Continue motion to dismiss from 2/25/13 to 3/25/13, STIPULATION for Hearing re motion to dismiss filed by plaintiff Martin Kempe.(Cohen, Lottie) (Entered: 02/01/2013)
02/01/2013	24	ORDER by Judge John F. Walter DENYING Stipulation to Continue, Stipulation to

		Continue Motion to Dismiss Hearing Date 23 . No Showing of Good Cause. (kbr) (Entered: 02/01/2013)
02/04/2013	25	NOTICE OF MOTION AND First MOTION to Continue motion to dismiss and summary judgment from February 25, 2013 to April 15, 2013 filed by plaintiff Martin Kempe. Motion set for hearing on 2/25/2012 at 01:30 PM before Judge John F. Walter. (Cohen, Lottie) (Entered: 02/04/2013)
02/04/2013	26	OPPOSITION to First MOTION to Continue motion to dismiss and summary judgment from February 25, 2013 to April 15, 2013 25 filed by Defendant Larry Klayman. (Attachments: # 1 Exhibit Tab A - Joint Stipulation of February 1, 2013, # 2 Exhibit Tab B - Plaintiff Kempe's Affidavit)(Klayman, Larry) (Entered: 02/04/2013)
02/04/2013	27	OPPOSITION to First MOTION to Continue motion to dismiss and summary judgment from February 25, 2013 to April 15, 2013 25 <i>Typo Corrected</i> filed by Defendant Larry Klayman. (Attachments: # 1 Exhibit Tab A - Joint Stipulation of February 1, 2013, # 2 Exhibit Tab B - Plaintiff Kempe's Affidavit)(Klayman, Larry) (Entered: 02/04/2013)
02/04/2013	28	Opposition to Motion to Dismiss and Summary Judgment opposition re: MOTION to Dismiss Case MOTION for Summary Judgment as to Entire Complaint 14 filed by Plaintiff Martin Kempe. (Cohen, Lottie) (Entered: 02/04/2013)
02/04/2013	29	DECLARATION of Martin Kempe opposition MOTION to Dismiss Case MOTION for Summary Judgment as to Entire Complaint 14 filed by Plaintiff Martin Kempe. (Cohen, Lottie) (Entered: 02/04/2013)
02/04/2013	30	STATEMENT of genuine disputes of material fact MOTION to Dismiss Case MOTION for Summary Judgment as to Entire Complaint 14 filed by Plaintiff Martin Kempe. (Cohen, Lottie) (Entered: 02/04/2013)
02/04/2013	31	REQUEST FOR JUDICIAL NOTICE filed by plaintiff Martin Kempe. (Attachments: # 1 Exhibit)(Cohen, Lottie) (Entered: 02/04/2013)
02/05/2013	32	MINUTES (IN CHAMBERS) by Judge John F. Walter: ORDER DENYING Plaintiff Martin Kempe's Motion for Continuance of Hearing Date on Defendant Larry Klayman's Motion to Dismiss and Summary Judgment 25 . Plaintiff seeks to continue the hearing date on Defendants Motion to Dismiss and for Summary Judgment on the grounds that Defendant failed to comply with Local Rule 7-3 and Plaintiff needs additional time to conduct discovery in order to properly oppose Defendants motion for summary judgment. (jp) (Entered: 02/05/2013)
02/11/2013	33	REPLY In Support MOTION to Dismiss Case MOTION for Summary Judgment as to Entire Complaint 14 filed by Defendant Larry Klayman. (Klayman, Larry) (Entered: 02/11/2013)
02/19/2013	34	NOTICE OF MOTION AND MOTION to Quash Summons filed by Defendant Alice Lewitzke. Motion set for hearing on 3/25/2013 at 01:30 PM before Judge John F. Walter. (Daughetee, Renee) (Entered: 02/19/2013)
02/21/2013	35	MINUTES (IN CHAMBERS) by Judge John F. Walter: ORDER TAKING UNDER SUBMISSION Defendant's Motion to Dismiss and for Summary Judgment 14 . Pursuant to Rule 78 of the FRCP and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for 2/25/2013 is hereby vacated and the matter is taken off calendar. The matter will be deemed submitted on the vacated hearing date and the clerk will notify the parties when the Court has reached a decision. (jp) (Entered: 02/21/2013)
02/22/2013	36	NOTICE OF ERRATA filed by Defendant Alice Lewitzke. correcting MOTION to Quash Summons 34 (Daughetee, Renee) (Entered: 02/22/2013)

03/04/2013	37	OPPOSITION re: MOTION to Dismiss Case MOTION for Summary Judgment as to Entire Complaint 14 , MOTION to Quash Summons 34 <i>Plaintiff's Opposition to Defendant Lewitzke's Motion to Quash Service of Summons and Dismiss the Complaint; Declaration of Martin Kempe; Declaration of Lottie Cohen</i> filed by Plaintiff Martin Kempe. (Attachments: # 1 Declaration Lottie Cohen Declaration, # 2 Declaration Martin Kempe Declaration, # 3 Exhibit, # 4 Proposed Order)(Cohen, Lottie) (Entered: 03/04/2013)
03/05/2013	38	MINUTES (IN CHAMBERS): ORDER by Judge John F. Walter: granting in part and denying in part 14 Motion to Dismiss Case ; granting in part and denying in part 14 Motion for Summary Judgment. Klayman's Motion is GRANTED in part and DENIED in part. Klayman's motion to dismiss Kempe's Complaint is GRANTED, and Kempe's Complaint is DISMISSED without leave to amend as to Klayman. In addition, the Court exercises its discretion and DISMISSES without leave to amend. (kbr) (Entered: 03/05/2013)
04/04/2013	39	NOTICE OF APPEAL to the 9th CCA filed by plaintiff Martin Kempe. Appeal of Order on Motion to Dismiss Case, Order on Motion for Summary Judgment,, 38 Filed On: 03/05/2013; Entered On: 03/05/2013; Forma Pauperis Pending. (dmap) (Entered: 04/08/2013)
04/04/2013	40	MOTION and Affidavit for Leave to Appeal in Forma Pauperis filed by plaintiff Martin Kempe. (dmap) (Entered: 04/08/2013)
04/08/2013	41	NOTIFICATION by Circuit Court of Appellate Docket Number 13-55582 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals 39 as to Plaintiff Martin Kempe. (dmap) (Entered: 04/09/2013)
04/09/2013	42	OPPOSITION to MOTION to Appeal in forma pauperis 40 filed by Defendant Larry Klayman. (Attachments: # 1 Affidavit of Larry Klayman)(Klayman, Larry) (Entered: 04/09/2013)
04/12/2013	43	MINUTES (IN CHAMBERS): ORDER by Judge John F. Walter: denying 40 Motion for Leave to Appeal in forma pauperis. Plaintiff has failed to demonstrate the requisite financial need to proceed without prepayment of filing fees. In addition, the Court certifies that Plaintiffs appeal is not taken in good faith under 28 U.S.C. §1915(a), and it frivolous, without merit, and does not present a substantial question within the meaning of 28 U.S.C. §753(f). For all the foregoing reasons, Plaintiffs Motion is DENIED. (kbr) (Entered: 04/12/2013)
05/29/2013	44	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals 39 filed by Martin Kempe CCA # 13-55582. The district court has denied appellant leave to proceed on appeal in forma pauperis. We deny appellants motion to proceed in forma pauperis because we also find the appeal is frivolous. If appellant wishes to pursue this appeal despite the courts finding that it is frivolous then, within 21 days after the date of this order, appellant shall pay \$455.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Otherwise, the appeal will be dismissed by the Clerk for failure to prosecute, regardless of further filings. Order received in this district on 5/29/2013. (dmap) (Entered: 05/30/2013)
07/10/2013	45	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals 39 filed by Martin Kempe, CCA # 13-55582. A review of the file in this case reveals that the appellant has failed to perfect the appeal as prescribed by the Federal Rules of Appellate Procedure. Pursuant to Ninth Circuit Rule 42-1, this appeal is dismissed for failure to pay the docketing/filing fees in this case. This order served on the district court shall constitute the mandate of this court. Order received in this district on 7/10/13. (mat) (Entered: 07/11/2013)

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