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20 **IN THE UNITED STATES DISTRICT COURT**
21 **FOR THE DISTRICT OF ARIZONA**

22 Manuel de Jesus Ortega Melendres,
23 et al.,

24 Plaintiff(s),

25 v.

26 Joseph M. Arpaio, et al.,

27 Defendants(s).

28 CV-07-2513-PHX-GMS

**PLAINTIFFS' OPPOSITION
TO MOTION FOR ADMISSION
PRO HAC VICE
OF LARRY KLAYMAN**

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1 Plaintiffs oppose the motion for admission pro hac vice of Larry Klayman. The
2 conflict-related reasons that the Court has previously cited for denying the pro hac vice
3 application of Jonathan A. Moseley based on his representation of Sheriff Arpaio, see
4 Docs. 1093 and 1167, apply equally to Mr. Klayman, who also represents the Sheriff
5 in litigation outside this case, but who in this case would be adverse to the Sheriff, both
6 as an attorney and possibly as a witness. See Exhibit 1 (previously made public as
7 Exhibit C of Doc. 1166) (Klayman to MCSO's Mackiewicz: "I don't appreciate your
8 games your games are just to squeeze Dennis through me. I don't appreciate being
9 played.").

10 At the July 20, 2015 status conference, Mr. Klayman asserted that he did not
11 have a conflict with Sheriff Arpaio. But this is contradicted by a letter that Sheriff
12 Arpaio wrote to Mr. Klayman, which has been produced by Sheriff Arpaio's attorneys,
13 in which Sheriff Arpaio expressly told Mr. Klayman that Mr. Klayman's
14 representation of Mr. Montgomery (and Mr. Zullo) "would, and does, create a conflict
15 here in Arizona." See Exhibit 2. Mr. Klayman's failure to disclose to the Court the
16 existence of the Sheriff's letter, and his affirmative representation to this Court
17 notwithstanding the Sheriff's letter that there is no conflict, are further grounds for
18 denial of his application.¹

19 Mr. Klayman's behavior when admitted pro hac vice in other courts also
20 indicates that his admission in this case would impede the orderly administration of
21 justice. Mr. Klayman's application mentions two currently pending disciplinary
22 proceedings against him, in the bars of the District of Columbia and Pennsylvania.

23
24 ¹ As a matter of courtesy, Plaintiffs' counsel have inquired of defendants' counsel regarding
25 communications involving Mr. Klayman that defendants have produced in this litigation.
26 Defendants have not requested the return of any of those communications, undoubtedly
27 because Mr. Klayman does not represent, and seeks to be adverse to, Sheriff Arpaio in this
28 case, and Mr. Klayman's communications with Sheriff Arpaio and his counsel relating to this
case, like Exhibit 2, are therefore not privileged.

1 The application also mentions two District Court judges, in California and New York,
2 who separately prohibited him from practicing before them again. However, Mr.
3 Klayman's application fails to mention the fact that two federal Courts of Appeals
4 unanimously affirmed the orders of those District Court judges, in published decisions
5 that explain in some detail how Mr. Klayman abused his pro hac vice admissions in
6 those cases. *Baldwin Hardware Corporation v. Franksu Enterprise Corporation*, 78
7 F.3d 550 (Fed. Cir. 1996); *MacDraw, Inc. v. CIT Group Equipment Financing, Inc.*,
8 138 F.3d 33 (2d Cir. 1998). The Second Circuit expressly found that Mr. Klayman's
9 challenge to a judge's impartiality based on the judge's ethnicity and the identity of the
10 administration that appointed him was "insulting and smacked of intimidation."
11 *MacDraw*, 138 F.3d at 38. The Federal Circuit affirmed a sanction against Mr.
12 Klayman's firm for "unreasonably and vexatiously multiplying the proceedings."
13 *Baldwin Hardware*, 78 F.3d at 554.²

14 Whether to grant a pro hac vice application lies within "the discretion of the
15 Court." LRCiv. 83.1(b)(2); *United States v. Ensign*, 491 F.3d 1109, 1113 (9th Cir.
16 2007). Where "an of out-of-state attorney strongly suggests through his behavior that
17 he will neither abide by the court's rules and practices—thus impeding the 'orderly
18 administration of Justice'—nor be readily answerable to the court," denial of pro hac
19 vice status is appropriate. *United States v. Ries*, 100 F.3d 1469, 1471 (9th Cir. 1996).
20 Such denial is warranted here.

21
22
23 RESPECTFULLY SUBMITTED this 28th day of July, 2015.

24
25
26 _____
27 ² Mr. Klayman also brought unsuccessful judicial disqualification motions in *Sataki v.*
28 *Broadcasting Board of Governors*, 733 F.Supp.2d 54 (D.D.C. 2010), and *Strange v. Islamic*
Republic of Iran, 46 F.Supp.3d 78 (D.D.C. 2014).

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By: /s/ Stanley Young

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2015 I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing and caused the attached document to be served via the CM/ECF System on all counsel of record.

/s/ Stanley Young