

LARRY E. KLAYMAN (D.C. BAR NO. 334581)
KLAYMAN LAW GROUP, PA
2020 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
Telephone: 561.558.5536
Email: leklayman@gmail.com

MICHAEL D. KOLODZI (CAL. BAR NO. 255772)
THE KOLODZI LAW FIRM
433 North Camden Drive, Suite 600
Beverly Hills, California 90210
Telephone: 310.279.5212
Facsimile: 866.571.6094
Email: mdk@mdklawfirm.com

Attorneys for Plaintiff
KIARA ROBLES

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KIARA ROBLES,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, BERKELEY, et al.

Defendants.

Case No.: 4:17-cv-04864-CW

**PLAINTIFF'S SUPPLEMENT TO
OPPOSITION TO MOTION TO REVOKE
PRO HAC VICE ADMISSION OF LARRY
KLAYMAN¹**

Date: September 4, 2018
Time: 2:30 p.m.
Crtrm: TBD

¹ At the hearing on July 17, 2018, this Court granted Plaintiff and her counsel leave to file 5 pages to supplement Plaintiff's Opposition to City of Berkeley's Motion to Revoke Larry Klayman's *Pro Hac Vice* Admission.

1 Counsel for Plaintiff Kiara Robles (“Plaintiff”), Larry Klayman (“Mr. Klayman”), has
 2 been a member continuously in good standing with both The Florida Bar and the District of
 3 Columbia Bar for going on 41 years and 36 years, respectively. By way of example, attached
 4 hereto is a compliant certificate of good standing from The Florida Bar. Exhibit 1. He has never
 5 been suspended from the practice of law for even one day, and, while Mr. Klayman has in this
 6 long 41-year career locked horns with some judges with strong advocacy, he has never been
 7 disciplined by any bar association over this.²

8 Regrettably and obviously for tactical reasons, Defendant the City of Berkeley
 9 (“Berkeley”) took it upon itself to file a motion to revoke Mr. Klayman’s pro hac vice status
 10 before this Court, and in so doing so, led the Court astray, resulting in its tentative ruling.

11 *First*, the recommendation of the hearing committee in the Judicial Watch matter before
 12 the District of Columbia Bar (“DC Bar”), which is referenced in the Bundy orders, is just that – a
 13 recommendation. When the matter went up on appeal to the Board of Professional Responsibility
 14 of the DC Bar (the “Board”), the Board in its recommendation found that Mr. Klayman had not
 15 testified falsely during the prior hearing. In fact, Berkeley has also failed to tell the Court that
 16 even the Board’s recommendation is not final, as the matter is on appeal to the District of
 17 Columbia Court of Appeals. Even more egregiously, when Mr. Klayman pointed this out on the
 18 court record, Berkeley failed to withdraw its misstatements and today these misrepresentations
 19 remain uncorrected, even after the recent hearing of July 17, 2018 before this Court.

20 Moreover, Berkeley also failed to advise this Court that the Honorable Ronald Gould
 21 (“Judge Gould”) had found in the *Bundy* matter that Mr. Klayman had been truthful with the Las
 22 Vegas federal court. Here is what he wrote in his dissenting decision, finding that Mr. Klayman
 23 truthfully answered the question presented regarding the disciplinary proceedings. “There is a
 24 disciplinary proceeding pending before the District of Columbia Board of Professional
 25 Responsibility that was filed almost 8 years ago....” Mr. Klayman properly opines that “[t]he
 26 matter is likely to be resolved in my favor” and points out that “...there has been no disciplinary

27 ² This is not unheard of with strong trial lawyers. As an example, Johnny Cochran, Marcia
 28 Clark, and Christopher Darden were sanctioned multiple times in the O.J. Simpson case alone.

1 action.”” *Bundy v. United States Dist. Court (In re Bundy)*, 840 F.3d 1034, 1054 (9th Cir. Oct.
 2 28, 2016). Judge Gould further made the clear finding that ‘Klayman properly disclosed the
 3 ongoing disciplinary proceeding in his initial application for pro hac vice admission, saying that
 4 the proceeding had not yet been resolved. **This disclosure was accurate.**” *Id.* (emphasis added).
 5 Judge Gould further reasoned:

6 I agree with Klayman that he was not obligated to re-litigate the D.C. proceeding
 7 before the district court and that he did not have to provide the district court with
 8 the entire record from D.C. And if his disclosures were selective, still he is an
 9 advocate, an advocate representing defendant Cliven Bundy, and after submitting
 10 a compliant response to the questions in the pro hac vice application, **he had no
 greater duty to disclose any possible blemish on his career or reputation
 beyond responding to the district court's further direct requests.** *Id.* at 1055
 (emphasis added).

11 In any event, the *Bundy* matter is now before the U.S. Supreme Court with a Writ of
 12 Mandamus that has yet to be ruled upon, in which Mr. Klayman argues, as Judge Gould did as
 13 well, that the order of the Honorable Gloria Navarro and the ensuing majority Ninth Circuit
 14 majority opinion be vacated as now moot.

15 *Second*, Berkeley has falsely claimed that Mr. Klayman, on behalf of Plaintiff Robles,
 16 filed frivolous pleadings in this case. This falsity is confirmed in the Court’s order of June 4,
 17 2018, ECF No. 51, where many of the claims pled by Mr. Klayman were not dismissed with
 18 prejudice or not dismissed at all.

19 *Third*, Mr. Klayman, due to an inadvertent mark-up, missed a deadline to file an
 20 opposition to Berkeley’s motion to dismiss by a few days. Mr. Klayman did not intend to show
 21 any disrespect for the Court or its local rules. Indeed, Defendants Raha Mirabdal and Ian Dabney
 22 Miller have missed deadlines recently with regard their timely filing responsive pleadings to
 23 Plaintiff’s Amended Complaint pursuant to Federal Rules of Civil Procedure 15(a)(3), which
 24 allows 14-days to respond to an amended complaint. This deadline missed by a few days by Mr.
 25 Klayman worked no prejudice on the parties or the Court. When Mr. Klayman discovered the
 26 error, he moved for leave to file an opposition to Berkeley’s motion to dismiss, and this was
 27 done within the time requested in the motion.

28 *Fourth*, and with complete respect for the Court, Mr. Klayman and Plaintiff never filed a

1 motion to disqualify the presiding judge, as the Court inadvertently stated in its tentative ruling,
 2 but rather simply a voluntary request for recusal in the initial case that was subsequently
 3 voluntarily dismissed by Plaintiff. *Robles v. The Regents of the University of California,*
 4 *Berkeley, et al*, 4:17-cv-0325 (N.D. Ca.) (ECF No. 50). Mr. Klayman never intended to and does
 5 not impugn the integrity of the Court; rather the reason for the request was because this is a
 6 highly charged case, and the Court's having graduated from Berkeley law school and then been a
 7 professor there for a number of years raised understandable concerns about a possible
 8 appearance of non-impartiality.

9 Mr. Klayman, in his 41-year career, has been a strong advocate for his clients and
 10 represented them ethically and zealously within the bounds of the law to fully protect their
 11 interests. That Mr. Klayman raised this concern should not be held against him. Again, in this
 12 regard, here is what Judge Gould wrote in the context of the *Bundy* case:

13 It may be that Klayman is not an attorney whom all district court judges would
 14 favor making an appearance in their courtroom. It seems he has been, and may
 15 continue to be, a thorn in the side. Still, concerns about trial judge irritation pale
 16 in comparison to a criminal defendant's need for robust defense. In providing a
 17 full and fair defense to every criminal defendant, there will by necessity be
 18 occasions when the difficult nature of the case evokes sharply confrontational
 19 lawyering. In tough cases with skilled prosecutors, aggressive positions by
 20 defense lawyers are sometimes an unavoidable part of strong advocacy, and
 21 contribute to making the proceeding an ultimately fair one for the defendant.
Bundy, 840 F.3d at 1055-56 (emphasis added)

22 Finally as set forth in Plaintiff's original opposition to Berkeley's motion to revoke Mr.
 23 Klayman's *pro hac vice*, ECF No. 19, and as reflected in the hearing transcript of July 17, 2018,
 24 Exhibit 2, there is a strong presumption that Plaintiff should be able to have the counsel of her
 25 choice to prosecute her case. And, given the risks involved stemming from the known
 26 proclivities of the ANTIFA Defendants for violence – indeed this is what this case is about –
 27 Plaintiffs cannot find other counsel to represent her, particularly since Mr. Klayman is doing so
 28 *pro bono*. See Exhibit 3 – Affidavit of Kiara Robles. As set forth by Plaintiff in her affidavit,
 “[s]hould this Court revoke Mr. Klayman’s *pro hac vice* status, I do not believe that I will be
 able to find another attorney to represent me.” Exhibit 3 ¶ 6. Plaintiff further declares, “Even
 before filing this case, I had enormous difficulty finding an attorney who would represent

me...given the fact that some of the Defendants are members of ANTIFA. Mr. Klayman is the only attorney that I was able to find who was ready, willing, and able to file this case and litigate it.” Exhibit 3 ¶¶ 7-8. Mr. Robles concludes:

If Mr. Klayman is not permitted to represent me, I am certain, given my past efforts, that I cannot find another attorney to represent me, since Mr. Klayman is representing me pro bono and because of the risks involved with prosecuting this case given Antifa’s very violent actions which harmed me physically and emotionally. In this event, I will be unable to proceed with this case and I will lose all of my legal rights. Exhibit 3 ¶ 9.

Importantly, if Mr. Klayman is not permitted to represent Plaintiff, the local counsel, who was retained for the sole purpose of serving as co-counsel to satisfy *pro hac vice* requirements and not as lead counsel, would have to withdraw, and Plaintiff will be left with no counsel. *See Exhibit 4 – Affidavit of Michael Kolodzi*. As set forth in Mr. Kolodzi’s affidavit, “My agreement with Mr. Klayman was that he would serve as lead counsel on this case. Should this Court revoke Mr. Klayman’s *pro hac vice* status, I will be unable to continue representation of Plaintiff Kiara Robles on my own, due to a lack of available time and resources.” Exhibit 4 ¶¶ 5-6.

For all of these reasons and with complete respect for this Court, Mr. Klayman respectfully pleads, on behalf of Ms. Robles, that his *pro hac vice* admission not be revoked. To do so would as a practical matter extinguish Ms. Robles’s rights and she would effectively lose all legal recourse.

DATED: July 24, 2018

Respectfully submitted,
Larry Klayman, Esq.
FREEDOM WATCH, INC.
2020 Pennsylvania Ave N.W. #345
Washington, D.C. 20006
Tel: (561) 558-5336

Michael D. Kolodzi
THE KOLODZI LAW FIRM
433 North Camden Drive, Suite 600
Beverly Hills, California 90210
Telephone: 310.279.5212
Facsimile: 866.571.6094
Email: mdk@mdklawfirm.com

/s/ Larry Klayman

LARRY KLAYMAN, ESQ.
Attorneys for Plaintiff
KIARA ROBLES

EXHIBIT 1

Supreme Court of Florida

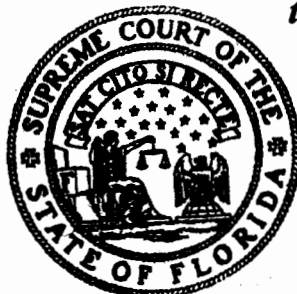
Certificate of Good Standing

I JOHN A. TOMASINO, Clerk of the Supreme Court of the State of Florida, do hereby certify that

LARRY ELLIOT KLAYMAN

was admitted as an attorney and counselor entitled to practice law in all the Courts of the State of Florida on December 7, 1977, is presently in good standing, and that the private and professional character of the attorney appear to be good.

*WITNESS my hand and the Seal of the
Supreme Court of Florida at Tallahassee,
the Capital, this January 4, 2018.*



A handwritten signature in black ink, appearing to read "JAT", is written over a horizontal line.

Clerk of the Supreme Court of Florida.

EXHIBIT 2

1 APPEARANCES: (Cont'd.)

2 Transcription Service:

Peggy Schuerger
Ad Hoc Reporting
2220 Otay Lakes Road
Suite 502-85
Chula Vista, California 91915
(619) 236-9325

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 OAKLAND, CALIFORNIA TUESDAY, JULY 17, 2018 3:54 P.M.

2 --oOo--

3 (Call to order of the Court.)

4 MR. KLAYMAN: Larry Klayman for the Plaintiff, Your
5 Honor.

6 MS. MAR: Good afternoon, Your Honor. Jessica Mar for
7 the City of Berkeley.

8 MR. HECKENLIVELY: And Bryan Heckenlively with Munger,
9 Tolles and Olson for The Regents, President Napolitano, and
10 Chancellor Dirks.

11 THE COURT: Good afternoon. Before I forget, there was
12 something -- oh, we have several motions to dismiss filed and
13 they're noticed for different dates, and I have in mind to move
14 them all to September 4th, if that's all right with -- I think it
15 was the Cities that -- or somebody had one set for August 14th --
16 I forget who -- but whoever that is, I hope it's okay to move it
17 to the 4th of September.

18 MS. MAR: Yes, Your Honor.

19 THE COURT: And a new one was just filed today, I think,
20 but that was noticed for the 4th of September as well.

21 MR. HECKENLIVELY: And the University's motion was
22 noticed for September 4th, so that works well for us, Your Honor.

23 THE COURT: That's what I was thinking of, yes. And
24 this is on for Mr. Klayman to respond to the tentative decision to
25 revoke his pro hac vice status. So you may address that, if you'd

1 like.

2 MR. KLAYMAN: Thank you, Your Honor. May it please the
3 Court, my background -- I've been a lawyer of going on 41 years.
4 On December 7th, 1977, I became a member of the Florida Bar. I
5 became a member of the D.C. Bar in 1982. I've been a member in
6 good standing continuously of each bar for all of that time
7 period.

8 THE COURT: Well, I think you were suspended recently
9 from some bar.

10 MR. KLAYMAN: That's what I want to clear up. I've not
11 been suspended. It's still in progress what's going on. And let
12 me, you know, get specific. I'm a former defense lawyer and
13 prosecutor of the Department of Justice. I'm the founder of
14 Judicial Watch and Freedom Watch, and I've been in private
15 practice.

16 Now, the motion that was brought by the City of Berkeley is
17 incorrect and it's false in two major respects, Your Honor, and
18 you relied upon them in issuing that order which revoked my pro
19 hac vice status, the tentative order.

20 Number one, the D.C. Board of Professional Responsibility
21 does not have any provision in it -- their finding, their
22 recommendation -- it's just a recommendation. The matter is still
23 up at the D.C. Court of Appeals. The way it works is you have a
24 Hearing Committee that makes a recommendation. It then goes to
25 the D.C. Board of Professional Responsibility that reviews what

1 the Hearing Committee did and recommended. And then that matter
2 can be taken up to the D.C. Court of Appeals. The matter's in
3 front of the D.C. Court of Appeals. I have not been disciplined
4 as of this time by the D.C. Court of Appeals.

5 But here's what's really important -- and this was the false
6 representation that was contained in the pleadings that Your Honor
7 relied upon. It -- it's that the Board of Professional
8 Responsibility, the recommendation, removed any allegation that I
9 had not been truthful with the Hearing Committee.

10 THE COURT: But that wasn't the only extant allegation.

11 MR. KLAYMAN: Well, that's -- as far as that's
12 concerned, that's incorrect -- as far as that aspect of it is
13 incorrect. And it's not a final decision. They led you to
14 believe that was a final decision. It's not. It's in front of
15 the D.C. Court of Appeals. So that was incorrect.

16 Secondly, with regard to the *Bundy* matter, the dissenting
17 opinion of Judge Gould found that I had not been in any way
18 untruthful with Judge Navarro, who was the judge who was handling
19 the *Bundy* matter in Las Vegas, that I answered all the questions
20 that I had to answer, that I had no further obligation other than
21 to answer the questions that were asked on the pro hac vice
22 application. So that was false as well.

23 And I did not lie and there's no finding that I've lied.

24 Now, I don't understand why -- because I put the Court on
25 notice of these errors in a pleading that I filed after your

1 tentative decision -- I don't understand why the City of Berkeley
2 to this day hasn't corrected false representations made to this
3 Court. I don't understand. They have an obligation as attorneys
4 to do that.

5 And I would ask Your Honor -- because when you gave me the
6 opportunity -- and I appreciate that -- to have this hearing, you
7 said that we would have a briefing schedule. Your Honor ordered
8 no further pleadings. I'd like to file a brief after this is over
9 to set forth exactly what I'm saying so you'll be able to see it.
10 You'll be able to see those determinations.

11 THE COURT: Well, you filed something.

12 MR. KLAYMAN: Excuse me?

13 THE COURT: I think you did file something.

14 MR. KLAYMAN: I filed a request for a hearing. That's
15 what I filed. And I pointed out that the representations that had
16 been made by the City of Berkeley were incorrect, were false. So
17 I would like that opportunity to do that.

18 And let me say this: I'm a strong advocate. I'm non-
19 partisan. Yes, I'm of a conservative background, but I've brought
20 cases with regard to a lot of different persons, entities, and
21 politicians, even the Bush Administration, for illegal wiretapping
22 and the NSA.

23 And they're trying to say that I'm here for a political
24 purpose. I'm not here for a political purpose. I have a client
25 who was attacked by ANTIFA, who was physically harmed and

1 emotionally harmed by ANTIFA, a very fine gay woman named Kiara
2 Robles, who was there simply to go to a speech.

3 THE COURT: We're not talking about the merits of the
4 case.

5 MR. KLAYMAN: Okay.

6 THE COURT: We're talking about the --

7 MR. KLAYMAN: Well, the merits kind of add into it
8 because, see, that's part of what they're trying to do, to
9 influence you in the things that are being said. They're saying,
10 Larry Klayman is just here for a political purpose. I'm not.

11 THE COURT: That isn't -- that wasn't the thrust of the
12 tentative ruling.

13 MR. KLAYMAN: With regard to another statement they made
14 about a late filing of five days, we mismarked it. It was an in
15 advertent error, when a response to a motion to dismiss would be
16 due. We discovered that two days after the fact. We asked Your
17 Honor for leave. There was no harm to anybody. There was no
18 prejudice.

19 They're kind of loading up this pleading, Your Honor, and
20 it's just simply not fair. Kiara Robles -- and this is why I did
21 mention the substance -- deserves and should be accorded the
22 client -- excuse me -- the lawyer that she'd like to have
23 represent her. There is no one else that will represent her
24 except me in practice.

25 THE COURT: Well, your local counsel is going to have to

1 represent her if your pro hac vice status is revoked.

2 MR. KLAYMAN: Well, there's nothing --

3 THE COURT: If he isn't able to do that, he'll have to
4 move to withdraw and she'll have to find a new lawyer.

5 MR. KLAYMAN: Well, here's -- here's the reality of it,
6 is that because ANTIFA's a violent organization, because they have
7 attacked not just my client but many other people, you probably
8 won't be able to find another lawyer to represent her because of
9 the risk factor involved. People don't want to do it. And that's
10 one of the things that I've done in my 40 years, is that I take
11 hard cases, including *Bundy*. That was a good example. People
12 weren't volunteering for that case.

13 So if Your Honor sustains the revocation of my pro hac vice
14 status, you will be effectively ending this case. Probably she'll
15 lose all of her rights and she will not be able to pursue that.

16 But what's important here -- I want you to understand this --
17 Judge Gould -- and I want you to be able to look at that decision
18 in the *Bundy* case. He's written several -- he said that I didn't
19 do anything wrong. He said -- there was a -- you know, there are
20 lawyers out there that are strong advocates that sometimes lock
21 horns with judges. Sometimes they disagree with judges.
22 Sometimes they take strong positions with judges. I've done that
23 in my 40-year career. And as I said, I've never been suspended.
24 I have not missed a practice -- a day of practice in law for all
25 that time period. There is no finding of discipline at D.C. And

1 with regard to Florida, that was because I was in financial
2 difficulty and it took me too long to pay it back because I was
3 almost bankrupt, but there was a finding of no dishonesty and I
4 simply agreed to settle that because -- to move on, and for a
5 fraction of what in fact the complainant was claiming, which her
6 own lawyer at the time said she didn't think -- he didn't think
7 that I owed.

8 But, yes, I'm a strong advocate. I have had differences with
9 judges. And a lot of lawyers have. Your Honor I'm sure remembers
10 the *O.J. Simpson* case where Marcia Clark and the others -- Johnnie
11 Cochran -- were sanctioned about six times each in this one case
12 because they took strong positions with Judge Ito.

13 Your Honor, all of this together, including the fact that I
14 didn't ever move to disqualify you -- that's not correct. I made
15 a suggestion of recusal, not because I said that you were biased,
16 but I thought because there would be the appearance of that. And
17 we live in very highly politically-charged times. Just the animus
18 shown in the City of Berkeley's brief tells you just how charged
19 the times are. It's a vicious brief and it's also factually
20 incorrect.

21 So, Your Honor, I ask you to reconsider your tentative ruling
22 which contained -- and this is the pleading I did file -- factual
23 errors, gross factual errors -- and I'm not blaming you, but you
24 were relying upon what you were being told at the time. You have
25 to look at those pleadings to see that they're false. And I would

1 like to file a post-hearing brief in some detail to do that, as
2 Your Honor said we could file a brief.

3 THE COURT: All right. Did you want to respond?

4 MR. KLAYMAN: One last point.

5 THE COURT: I'm sorry?

6 MR. KLAYMAN: I want to make one last point.

7 THE COURT: Oh, okay.

8 MR. KLAYMAN: And that is is that I will pledge to
9 always obey your orders, your rules. I'll be respectful to you as
10 I am today. And if I do anything wrong, Your Honor has the power
11 to correct that and sanction and do whatever needs to be done.
12 But Ms. Robles deserves the lawyer of her choice, her day in court
13 and, as a practical matter, it's very unlikely anybody else will
14 represent her in a case like this where there is the significant
15 risk.

16 Thank you.

17 THE COURT: Do either of you want to add anything?

18 MS. MAR: Your Honor, Jessica Mar for the City of
19 Berkeley. The only thing I would add is that the additional
20 documents that Plaintiff submitted in his request for a hearing
21 don't change anything that the City of Berkeley has submitted in
22 its papers.

23 The February 6, 2018 District of Columbia Court of Appeals
24 Board of Professional Responsibility document that Mr. Klayman
25 submitted also did have -- upheld the findings regarding improper

1 practice by the respondent and that bore directly on the judicial
2 process as well as the conflict of interest issues.

3 MR. KLAYMAN: What's important with that, Your Honor, if
4 I may respond, is this is not a final order. There is no
5 discipline that was imposed. It's simply a recommendation.

6 Secondly, what they wanted to stress was --

7 THE COURT: Meaning the case is still pending and we
8 haven't --

9 MR. KLAYMAN: Still pending.

10 THE COURT: -- the issue hasn't dropped yet?

11 MR. KLAYMAN: Regrettably in the District of Columbia,
12 it takes a long time. This matter's already ten years old. It's
13 -- California wouldn't let that happen. But it's still ten years
14 old. There's no final finding in that.

15 And Your Honor should have been advised of that by the City
16 of Berkeley, and also the fact that it was the board
17 recommendation that applied at that time, even though it's not
18 final, and they removed any finding that I had been untruthful
19 with the Hearing Committee. And that was the thrust of their
20 argument.

21 MS. MAR: Your Honor, the City of Berkeley would submit
22 that for the reasons set forth in the Court's tentative order,
23 that included failure to comply with Civil Local Rule 11-3 in
24 terms of a certificate of good standing issued no more than one
25 year prior to the date of application, as well as the fact that

1 Mr. Klayman did not even attempt to address the June 18th, 2017
2 report and recommendation of the Board, then after it had been
3 addressed by the Ninth Circuit in *Bundy* and made those same
4 misrepresentations in characterizing the current. Just because
5 the matter is ongoing and hasn't yet been resolved by the D.C.
6 Circuit, the City would submit that the reports and
7 recommendations have been provided and there have been a number of
8 instances -- I believe the Ninth Circuit Court of Appeals found 12
9 cases it identified in *Bundy* instances of failure to comply with
10 Local Rules, Courts' orders, and improper practice.

11 MR. KLAYMAN: Your Honor, let me add for that, I did
12 bring certificates of good standing.

13 THE COURT: May I ascertain whether counsel is finished
14 before --

15 MR. KLAYMAN: Oh, I'm sorry.

16 THE COURT: -- you go over to your reply?

17 MR. KLAYMAN: I'm sorry. I thought she was.

18 MS. MAR: Yes, Your Honor.

19 MR. KLAYMAN: Okay. I did bring certificates of good
20 standing within the last year for the Supreme Court of Florida and
21 for the Southern District of California, and the magistrate did
22 accept what I filed. But, yes, I have certificates if I may
23 approach the bench and give them to you?

24 THE COURT: You can hand them to the clerk.

25 MR. KLAYMAN: Okay.

1 THE COURT: If you have copies for counsel.

2 MR. KLAYMAN: I do. And I would just close by saying
3 that, as I said before, Judge Gould made reference of that in his
4 decision -- I'd like you to see it -- saying that I should have
5 had pro hac vice entry in the *Bundy* case.

6 THE COURT: Well, most of the Ninth Circuit's decisions
7 are available. I don't -- if he cited it, I'm sure I can see it.

8 MR. KLAYMAN: Okay. That's fine. That's fine.

9 THE COURT: What I can't remember is -- I think you're
10 saying that I first said you could file another brief and then I
11 said you couldn't file another brief?

12 MR. KLAYMAN: Correct. Correct.

13 THE COURT: I don't remember that or why --

14 MR. KLAYMAN: There's a minute order that says that no
15 further submissions will be accepted and you set the date for the
16 hearing. I'd like to have ten days to submit a brief.

17 THE COURT: Well, how long did you have in mind?

18 MR. KLAYMAN: The size of the brief?

19 THE COURT: Yeah. You have new things to say that you
20 haven't said in your prior brief or today?

21 MR. KLAYMAN: Well, I'd like to lay out with specificity
22 exactly what I'm talking about to show you that what was put in
23 the pleadings that you relied upon was untrue.

24 THE COURT: Well, and there's something that you haven't
25 yet told me or --

1 MR. KLAYMAN: Yes, because they're long -- they're long
2 decisions, so I'd like to lay it out for you in a way that would
3 make it easy for you to review.

4 THE COURT: Well --

5 MR. KLAYMAN: And since you did say we could have a
6 brief, I would like to be able to --

7 THE COURT: Do you remember this? I just don't know why
8 I would have said you could file one and then you couldn't file
9 one?

10 MR. HECKENLIVELY: Your Honor, I wasn't directly
11 involved in this, but my recollection is that there was a back-
12 and-forth about the hearing date between the City and Mr. Klayman,
13 and I thought -- I don't have the order in front of me, but I
14 thought the reference might have been in relation to this request.

15 MR. KLAYMAN: What the order said, Your Honor, --

16 THE COURT: Okay. If there's some document that hasn't
17 been submitted yet, you can submit it. And, by that, I mean
18 something from the D.C. Circuit or something from this Florida
19 court or whatever. I know I have one thing here that you did
20 submit. It's Exhibit 1 submitted on May 23rd, Docket Number 50-1,
21 and that seems to be something from District of Columbia. So you
22 don't need to file that one; we already have it.

23 THE CLERK: Your Honor, there was a clerk's notice
24 posted to the case on June 6 setting the matter for hearing, and
25 then within the clerk's notice it says, "No additional briefs may

1 be submitted."

2 THE COURT: And then was there some other place where it
3 said additional briefs could be submitted?

4 MR. KLAYMAN: Before that, when you issued the tentative
5 decision, Your Honor, you said, "Plaintiff should advise whether
6 he wants a hearing and then we will set a briefing schedule."

7 THE COURT: Hmm.

8 MR. KLAYMAN: I reviewed that this morning before I came
9 in.

10 THE COURT: Okay. Well, --

11 THE CLERK: And your order was posted on May 23rd.

12 THE COURT: Well, in any event, we have the District of
13 Columbia thing that you filed on May 23rd. If there's something
14 that's submitted after that, you can submit it. If there's
15 something new from Florida that you haven't submitted yet, you can
16 submit it, and you can submit five pages of argument telling me
17 what you think I don't know already.

18 MR. KLAYMAN: Thank you.

19 THE COURT: And you can do that in a week, and you can
20 file any absolutely necessary response three days after that and
21 I'll take it under submission.

22 But you should keep in mind that there was a lot more
23 addressed in --

24 MR. KLAYMAN: I understand that.

25 THE COURT: -- the ruling than simply the Florida matter

1 and the D.C. matter.

2 MR. KLAYMAN: No.

3 THE COURT: And even the Nevada matter.

4 MR. KLAYMAN: I understand that, but what I was trying
5 to tell you was is that in the course of 41 years of legal
6 practice, you do sometimes have issues with judges. You have the
7 right and the ability to write decisions; we don't as lawyers.
8 And sometimes we're wrong. Sometimes judges are wrong. And that
9 should not be held against me because I have been a member in good
10 standing continuously for going on 41 years.

11 THE COURT: All right. Thank you.

12 MR. KLAYMAN: Thank you.

13 (Proceedings adjourned at 4:12 p.m.)
14

15 I, Peggy Schuerger, certify that the foregoing is a
16 correct transcript from the official electronic sound recording
17 provided to me of the proceedings in the above-entitled matter.
18

19 /S/ Peggy Schuerger
20 Signature of Approved Transcriber

July 19, 2018
Date

21 Peggy Schuerger
22 Typed or Printed Name
23 **Ad Hoc Reporting**
24 Approved Transcription Provider
25 for the U.S. District Court,
Northern District of California

EXHIBIT 3

LARRY E. KLAYMAN (D.C. BAR NO. 334581)
KLAYMAN LAW GROUP, PA
2020 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
Telephone: 561.558.5536
Email: leklayman@gmail.com
Pro Hac Vice

MICHAEL D. KOLODZI (CAL. BAR NO. 255772)
THE KOLODZI LAW FIRM
433 North Camden Drive, Suite 600
Beverly Hills, California 90210
Telephone: 310.279.5212
Facsimile: 866.571.6094
Email: mdk@mdklawfirm.com

Attorneys for Plaintiff
KIARA ROBLES

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KIARA ROBLES,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, BERKELEY, et al.

Defendants.

Case No.: 4:17-cv-04864

AFFIDAVIT OF KIARA ROBLES

1. I, Kiara Robles, hereby being sworn deposes and says that the following is true and correct and based on my personal knowledge and belief.

2. I am over the age of 18 and mentally and legally competent to make this affidavit, sworn under oath.

3. I am the Plaintiff in the matter of *Robles v. Regents of the University of California*, 4:17-cv-04864.

4. Larry Klayman ("Mr. Klayman") and Michael Kolodzi ("Mr. Kolodzi") are my co-counsel on this matter

1 5. Should this Court revoke Mr. Klayman's *pro hac vice* status, I do not believe that
2 I will be able to find another attorney to represent me.

3 6. Since this case has been filed, I have been threatened by who I believe are
4 members of Defendant ANTIFA.

5 7. Even before filing this case, I had enormous difficulty finding an attorney who
6 would represent me in this matter, especially given the fact that some of the Defendants are
7 members of ANTIFA.

8 8. Mr. Klayman is the only attorney that I was able to find who was ready, willing,
9 and able to file this case and litigate it.

10 9. If Mr. Klayman is not permitted to represent me, I am certain, given my past
11 efforts, that I cannot find another attorney to represent me, since Mr. Klayman is representing me
12 pro bono and because of the risks involved with prosecuting this case given Antifa's very violent
13 actions which harmed me physically and emotionally. In this event, I will be unable to proceed
14 with this case and I will lose all of my legal rights.

15 I hereby swear under oath and penalty of perjury that the foregoing facts are true and
16 correct to the best of my knowledge and belief.

17
18 DATED: July 24, 2018

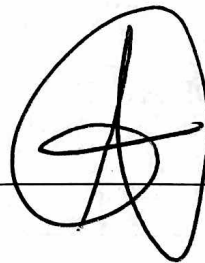
A handwritten signature, possibly reading 'A', is written over a horizontal line.

EXHIBIT 4

LARRY E. KLAYMAN (D.C. BAR NO. 334581)
KLAYMAN LAW GROUP, PA
2020 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
Telephone: 561.558.5536
Email: leklayman@gmail.com
Pro Hac Vice

MICHAEL D. KOLODZI (CAL. BAR NO. 255772)
THE KOLODZI LAW FIRM
433 North Camden Drive, Suite 600
Beverly Hills, California 90210
Telephone: 310.279.5212
Facsimile: 866.571.6094
Email: mdk@mdklawfirm.com

Attorneys for Plaintiff
KIARA ROBLES

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KIARA ROBLES,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, BERKELEY, et al.

Defendants.

Case No.: 4:17-cv-04864

AFFIDAVIT OF MICHAEL KOLODZI

1. I, Michael Kolodzi, Esq., hereby being sworn deposes and says that the following is true and correct and based on my personal knowledge and belief.

2. I am over the age of 18 and mentally and legally competent to make this affidavit, sworn under oath.

3. I am local co-counsel of record in the matter of *Robles v. Regents of the University of California*, 4:17-cv-04864.


4. Larry Klayman ("Mr. Klayman") is my co-counsel on this matter and he has been admitted into this case *pro hac vice*.

1 5. My agreement with Mr. Klayman was that he would serve as lead counsel on this
2 case.

3 6. Should this Court revoke Mr. Klayman's *pro hac vice* status, I will be unable to
4 continue representation of Plaintiff Kiara Robles on my own, due to a lack of available time and
5 resources.

6 I hereby swear under oath and penalty of perjury that the foregoing facts are true and
7 correct to the best of my knowledge and belief.

8
9 DATED: July 21, 2018



A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line, positioned above a solid horizontal line.