

1 Larry Klayman
2 c/o 2020 Pennsylvania Ave., NW, Suite 800
3 Washington, D.C. 20006
4 Telephone: (310) 595-0800
5 Email: leklayman@gmail.com

6 Defendant in Pro Per
7
8
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MARTIN KEMPE, an individual,

13 Plaintiff,

14 v.

15 LARRY KLAYMAN, an individual;
16 ALICE LEWITZKE, an individual;
17 and DOES 1 through 10, inclusive,

18 Defendants.
19
20
21
22

No. CV12-10307-JFW (VBKx)

**DEFENDANT KLAYMAN'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR LEAVE TO
APPEAL IN FORMA PAUPERIS
FILED BY PLAINTIFF MARTIN
KEMPE**

23 Defendant Larry Klayman hereby opposes Plaintiff's Motion For Leave to
24 Appeal in Forma Pauperis filed by plaintiff Martin Kempe and as grounds therefor
25 would show:
26
27
28

- 1
2 1. As an initial matter, Plaintiff never sought consent before filing this Motion for
3 Leave to Appeal in Forma Pauperis ("Motion") filed by plaintiff Martin Kempe
4 and did not consult with Defendant Klayman as is required by Local Rule 7-3.
5
- 6 2. In Plaintiff's Motion, Plaintiff once again lies to the court, and this time does so
7 under penalty of perjury. Plaintiff makes the claim to the court that he is
8 currently unemployed. Motion Leave to Appeal at ¶ 2.
9
- 10 3. In the opening paragraph of his very own Complaint, Plaintiff states that he "is
11 the owner of a Beverly Hills Jewelry Store." Complaint ¶1.
12
- 13 4. The jewelry store in question is Rodeo Fine Jewelry, located at 9608 Brighton
14 Way, Beverly Hills, CA 90210 with the phone number of (310) 275-8072.
15
- 16 5. On April 9, 2013, Defendant visited the CA Secretary of State's business search
17 only to find that Plaintiff's corporation has been suspended. Exhibit 1. Despite
18 not having a valid corporation, Plaintiff continues to operate and own Rodeo
19 Fine Jewelry. A true and correct picture of the store, as it appeared just today on
20 April 9, 2013 is attached as Exhibit A to the Klayman Affidavit.
21
22
- 23 6. Plaintiff's jewelry store has thousands of dollars worth of jewelry on display,
24 and upon information and belief hundreds of thousands and perhaps millions of
25 dollars worth of jewelry is held in his inventory. The jewelry store is also
26 located at the heart of Beverly Hills, one of the most affluent cities in the nation
27
28

1 and the world.

2 7. On April 9, 2013, Defendant walked past Plaintiff's jewelry store, of which he
3 is the admitted owner, at which time Defendant was able to observe Plaintiff
4 within the store working behind the counter. Exhibit 2 -- Klayman Affidavit at
5 ¶6.
6

7
8 8. As Plaintiff claims to be unemployed, which it does not so appear, under the
9 circumstances this court should respectfully have Plaintiff show proof that he is
10 unemployed and no longer owns Rodeo Fine Jewelry.
11

12 9. Plaintiff, having already caused tens of thousands of dollars in his time and
13 expense to be incurred by Defendant in defense of this frivolous lawsuit, now
14 seeks to continue, pro per, in forma pauperis to avoid any financial expense to
15 himself while at the same time continuing to incur wasted time and expense to
16 the this court, the U.S. Court of Appeals for the Ninth Circuit, and on
17 Defendant in a lawsuit that has already been dismissed with prejudice for being
18 time barred and frivolous.
19
20
21

22 10. If Plaintiff cannot demonstrate that he is unemployed and no longer owns
23 Rodeo Fine Jewelry, Defendant respectfully requests that Plaintiff show cause
24 why he should not be held in contempt or be subject to other sanctions, for
25 lying to this court.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, Defendant Klayman respectfully requests that this court deny Plaintiff's Motion for Leave to Appeal in Forma Pauperis and to order Plaintiff to show cause why he should not be held in contempt or be subject to other sanctions for willfully lying to the court under penalty of perjury.

Dated: April 9, 2013

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman

Defendant in Pro Per

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of April, 2013 a true and correct copy of the foregoing Opposition to Motion For Leave to Appeal in Forma Pauperis was filed and served via CM/ECF on the following:

Lottie Cohen, Esq.
Law Offices of Lottie Cohen
3637 Motor Avenue
Los Angeles, CA 90034
lottie.cohen@hotmail.com

Renee Daughetee, Esq.
THE DAUGHETEE LAW FIRM
18881 Von Karman Ave., 16th Floor
Irvine, CA 92649
rdaughetee@hotmail.com

Attorney for Plaintiff

Attorney for Defendant Alice Lewitzke

Respectfully Submitted,

/s/ Larry Klayman
Larry Klayman