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6 Defendant in Pro Se

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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
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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.

No. CV12-10307-JFW (VBKx)

DEFENDANT'S RESPONSE TO
PLAINTIFF MARTIN KEMPE'S
RULE 26(f) REPORT TO CORRECT
THE RECORD

Date: February 4, 2013

Time: 8:30 am

Courtroom: 16

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24 To correct the record, Defendant Larry Klayman hereby responds to Plaintiff
25 Martin Kempe's Rule 26(F) Report filed unilaterally and as grounds therefor would
26 show:
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1 1. The alleged facts set forth Plaintiff's status report are inaccurate.
2 Specifically, at paragraph 4 and as demonstrated in the attached emails from
3 counsel, Defendant Klayman did not respond to Plaintiff's demand to meet and
4 confer to file a joint status report by simply filing his Motion To Postpone Meet
5 And Confer Conference And Report And Court's Scheduling Conference Presently
6 Set For February 4, 2013.
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9 2. After receiving a call from Plaintiff's counsel's associate yesterday on
10 January 23, 2013 Defendant Klayman asked that he call back in a few hours as he
11 was then preoccupied with other matters. When no one from Plaintiff's counsel's
12 office called back, as set forth in his attached email exchange (Exhibit 1),
13 Defendant Klayman asked for Plaintiff's consent to the motion which he had
14 previously planned to file and which ultimately was filed to postpone the meet and
15 confer conference, joint status report, and scheduling conference of February 4,
16 2013 until Defendant's dispositive motion is ruled upon at the February 25, 2013
17 hearing. This consent was not forthcoming; in fact there was no further substantive
18 communication from Plaintiff's counsel on this issue. Instead, she filed a unilateral
19 status report today.
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25 3. As the court has denied Defendant's motion today in a minute order,
26 Defendant Klayman has proposed holding the meet and confer conference to
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1 prepare a joint status report tomorrow on Friday, January 25, 2013 and then filing
2 the joint status report as provided by Local Rule 26-1 and the court's order.
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4 Dated: January 24, 2013
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6 Respectfully submitted,

7 /s/ Larry Klayman
8 Larry Klayman

9 Defendant in Pro Se
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2 **CERTIFICATE OF SERVICE**

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4 I HEREBY CERTIFY that on this 24th day of January, 2013 a true and
5 correct copy of the foregoing Defendant's Response To Plaintiff Martin Kempe's
6 Rule 26(F) Report To Correct The Record was filed and served via CM/ECF on
7
8 the following:

9 Lottie Cohen, Esq.
10 Law Offices of Lottie Cohen
11 3637 Motor Avenue
12 Los Angeles, CA 90034
13 lottie.cohen@hotmail.com

14 Via U.S. Mail on the following:

15
16 Attorney for Plaintiff
17 Renee Daughetee, Esq.
18 THE DAUGHETEE LAW FIRM
19 18881 Von Karman Ave., 16th Floor
20 Irvine, CA 92649
21 rdaughetee@hotmail.com

22
23 Attorney for Defendant Alice Lewitzke

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25 Respectfully Submitted,

26 /s/ Larry Klayman
27 Larry Klayman
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