

1 JOSEPH T BAIO, admitted *pro hac vice*
jbaio@willkie.com
2 BENJAMIN P. McCALLEN, admitted *pro hac vice*
bmccallen@willkie.com
3 ANDREW HANRAHAN, admitted *pro hac vice*
ahanrahan@willkie.com
4 Willkie Farr & Gallagher LLP
787 Seventh Avenue
5 New York, New York 10019
Telephone: (212) 728-8000
6 Facsimile: (212) 728-8111

7 STAN G. ROMAN, State Bar No. 87652
sroman@ksrh.com
8 KELLER, SLOAN & ROMAN LLP
555 Montgomery St., 17th Floor
9 San Francisco, California 94111
Telephone: (415) 249-8334
10 Facsimile: (415) 249-8333

11 Attorneys for Defendant GEORGE SOROS

12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 KIARA ROBLES,
16
17 Plaintiff,
18 vs.
19 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, BERKELEY; *et al.*,
20 Defendants.

CASE No. 4:17-cv-03235-CW

**NOTICE OF MOTION AND MOTION TO
REVOKE PRO HAC VICE ADMISSION
OF LARRY KLAYMAN;**

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

DATE: September 5, 2017
TIME: 2:30 pm
JUDGE: Hon. Claudia Wilken

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NOTICE

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HERBY GIVEN THAT on September 5, 2017, at 2:30 pm, in the courtroom of the Honorable Claudia Wilken, located in the United States Courthouse for the Northern District of California, 1301 Clay Street, Oakland, CA 94612, Defendant George Soros will and hereby does move the Court to revoke the *pro hac vice* admission of Plaintiff’s counsel, Larry Klayman.

This Motion is based upon this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the Declaration of Andrew Hanrahan in Support of Motion to Revoke *Pro Hac Vice* Admission of Larry Klayman; the pleadings and papers filed in this action; and such further argument and matters as may be offered at the hearing on this Motion.

DATED: July 19, 2017

JOSEPH T. BAIO
BENJAMIN P. McCALLEN
ANDREW HANRAHAN
WILLKIE FARR & GALLAGHER LLP

STAN G. ROMAN
KELLER SLOAN & ROMAN LLP

By: /s/ Stan G. Roman
 STAN G. ROMAN

Attorneys for Defendant GEORGE SOROS

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11 Andrew Strickler, *Ex-Judicial Watch Attorney Hit With Sanction Recommendation*, Law 360, June
 12 20, 2017, available at [https://www.law360.com/articles/936678/ex-judicial-watch-atty-hit-](https://www.law360.com/articles/936678/ex-judicial-watch-atty-hit-with-sanction-recommendation)
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Defendant George Soros respectfully moves this Court to revoke the *pro hac vice*
5 admission of plaintiff’s counsel, Larry Klayman (“Mr. Klayman”).

6 **II.**

7 **SUMMARY OF ARGUMENT**

8 Larry Klayman, a member of the Florida and District of Columbia bars, was admitted *pro*
9 *hac vice* to this Court as Plaintiff’s counsel on June 7, 2017. Defendant Soros was not served with
10 the Complaint in this case until June 14, 2017, and thus did not have the opportunity to oppose Mr.
11 Klayman’s application for admission *pro hac vice*. Mr. Soros now asks this Court to reverse its
12 prior order and revoke Mr. Klayman’s *pro hac vice* admission.

13 For more than two decades, Mr. Klayman has repeatedly drawn the ire of courts across the
14 country, resulting in sanctions, denials or revocations of *pro hac vice* admissions, and vehement
15 criticism of his behavior by multiple judges. The Ninth Circuit Court of Appeals, in an October
16 2016 decision, upheld a decision by the District Court for the District of Nevada to deny Mr.
17 Klayman’s *pro hac vice* application. In a detailed opinion reviewing Mr. Klayman’s professional
18 history, the Ninth Circuit found that Mr. Klayman had, for more than twenty years, demonstrated a
19 pattern of inappropriate and unprofessional behavior which justified denying his *pro hac vice*
20 admission. In fact, on no fewer than fourteen occasions, courts have sanctioned Mr. Klayman,
21 denied or revoked his *pro hac vice* status, and/or admonished him for his behavior. Two district
22 courts have taken the remarkable step of banning Mr. Klayman from their courtrooms for life.

23 The Ninth Circuit also relied on the fact that Mr. Klayman has recently faced professional
24 discipline by both of the state bars of which he is a member. At the time of the Ninth Circuit’s
25 opinion, disciplinary proceedings before the D.C. bar were pending. Since then, a Hearing
26 Committee of the D.C. Court of Appeals Board on Professional Responsibility issued a Report and
27 Recommendation that found multiple ethical violations by Mr. Klayman and recommended that he
28 be suspended from the practice of law for 90 days, with his reinstatement conditioned on a

1 showing of his fitness to practice law. Moreover, in Florida—the other jurisdiction in which Mr.
2 Klayman is licensed to practice law—he accepted a public reprimand in 2011 from the Florida
3 Supreme Court for violations of Florida’s rules of professional conduct.

4 Mr. Klayman’s recent conduct directed specifically at Mr. Soros shows that the Ninth
5 Circuit’s opinion, like the stream of judicial criticism that came before it, has done nothing to
6 change Mr. Klayman’s behavior. During the past 12 months, Mr. Klayman, acting either as
7 plaintiff or counsel, has initiated four separate actions against Mr. Soros in federal courts in Texas
8 and California. Each of these actions share a common theme: they allege in broad and conclusory
9 terms a conspiracy among various political figures (including President Obama, Hillary Clinton
10 and others) on the one hand, and Mr. Soros on the other. Each case alleges that Mr. Soros
11 provided funding to support completely legitimate causes with which Mr. Klayman apparently
12 personally disagrees. In the first two actions, both of which were filed in the Northern District of
13 Texas and have since been dismissed, Mr. Klayman alleged that Mr. Soros funded various groups
14 affiliated with Black Lives Matter that have threatened the lives of law enforcement officers. In
15 the second, Mr. Klayman filed a complaint alleging that Mr. Soros was responsible for the murder
16 of four Dallas police officers. More recently, in addition to this action (which attempts to hold
17 Mr. Soros liable for alleged violence at a protest at the University of California, Berkeley), Mr.
18 Klayman filed an action in the Central District of California attempting to hold Mr. Soros and
19 others liable for an alleged assault of Mr. Klayman at Los Angeles International Airport in
20 connection with a protest relating to President Trump’s travel ban. Mr. Klayman voluntarily
21 dismissed that action the day before Mr. Soros’ motion to dismiss was due, apparently as a result
22 of the case having been assigned to the Honorable John Kronstadt, who was appointed to the
23 federal bench by President Obama. The complaints filed in each of these actions lack any factual
24 or legal basis and evidence a personal animus toward Mr. Soros.

25 Mr. Klayman’s conduct is no accident – it is a frequent and predictable pattern that
26 demonstrates why this Court should not allow him *pro hac vice* status. For two decades, Mr.
27 Klayman has used the federal courts to file frivolous, politically-motivated lawsuits and has been
28 abusive and unprofessional toward the federal judiciary. That has not changed. Local Rule 7-3

1 gives this Court discretion over whether to grant an attorney admission *pro hac vice*. For the
2 foregoing reasons and those set forth more fully below, this Court should revoke Mr. Klayman's
3 *pro hac vice* admission in this case.

4 **III.**

5 **STATEMENT OF FACTS**

6 **A. The Instant Action**

7 On June 5, 2017, Plaintiff Kiara Robles ("Plaintiff") filed the complaint in this action.
8 [ECF 1] (the "Complaint"). The Complaint names 16 defendants and alleges 12 causes of action,
9 all arising out of an incident on February 1, 2017 in which Plaintiff was allegedly pepper sprayed
10 on the campus of the University of California, Berkeley. Plaintiff is represented by Larry
11 Klayman of Freedom Watch and Michael Kolodzi of the Kolodzi Law Firm. Mr. Klayman, who
12 is not admitted to the bar in California, filed a *pro hac vice* application on June 6, 2017. [ECF 8]¹
13 The next day, on June 7, 2017, Mr. Klayman's application for admission *pro hac vice* was granted.
14 [ECF 29] One week later, on June 14, 2017, Defendant Soros was served with the Complaint.

15 The Complaint contains only scant allegations regarding any alleged conduct by Mr.
16 Soros. Plaintiff alleges that Defendant In the Name of Humanity, We Refuse to Accept a Fascist
17 America ("Refuse Fascism") "receive[d] funds from umbrella companies and subsidiaries" of
18 Open Society Foundations, a philanthropic organization founded by Mr. Soros. (Complaint ¶ 31.)
19 Plaintiff further alleges that Refuse Fascism is "sponsored" by Alliance for Global Justice
20 ("AGJ"), and that AGJ receives grants from the Open Society Institute, "a non-profit funded by
21 Soros." (*Id.* ¶ 32.) There are no other allegations in the Complaint regarding conduct by Mr.
22 Soros, including any allegations of his involvement in, or awareness of, any of the alleged conduct
23 of other defendants in this action.

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27 ¹ Mr. Klayman initially filed an erroneous *pro hac vice* application, [ECF 4], but filed a corrected
28 application later that same day. [ECF 8]

1 **B. Mr. Klayman’s Prior Frivolous Actions Against Mr. Soros**

2 This is the fourth lawsuit Larry Klayman, acting as plaintiff or counsel, has filed against
3 Mr. Soros in the last 12 months. Two of those matters were filed in the Northern District of
4 Texas, Dallas Division, *Klayman v. Obama*, 3:16-CV-02010-L (N.D. Tex.) (“Texas Action #1”),
5 filed on July 9, 2016, and *Zamarripa v. Farrakhan*, 3:16-cv-03109-N (N.D. Tex.) (“Texas Action
6 #2”), filed on November 7, 2016. The third action was filed in the Central District of California,
7 *Klayman v. ACLU*, 2:17-cv-01703-FFM (“California Action #1”).

8 The two Texas Actions are based on virtually identical factual allegations – 148 of 149
9 numbered paragraphs are near mirror-images of each other. Those complaints allege that Mr.
10 Soros and numerous other defendants, including President Obama, Hillary Clinton, Eric Holder,
11 and Black Lives Matter engaged in a purported conspiracy to incite a race-based “war on police”
12 that led to the shooting deaths of six Dallas police officers.

13 In Texas Action #1, Mr. Klayman twice moved to have the presiding judge recuse himself,
14 alleging that because the judge had been appointed by President Clinton, he would necessarily be
15 prejudiced against Mr. Klayman. *Obama*, 3:16-CV-02010-L at ECF 43, 51. Those motions were
16 denied. On April 14, 2017, in response to additional filings by Mr. Klayman, the Court issued an
17 Order finding that “[t]he record reflects Mr. Klayman’s predilection for filing frivolous,
18 nonsensical, and vituperative documents” and that “[t]he court has grown weary of Mr. Klayman’s
19 tactics.” *Obama*, 3:16-CV-02010-L at ECF 133. The Court went on to find that “[s]uch
20 shenanigans are degrading to the legal profession and will not be tolerated by this court. If Mr.
21 Klayman files any further frivolous or nonsensical documents in this matter, the court will
22 personally sanction him monetarily.” Ultimately, the court dismissed the complaint on the
23 grounds that there was no alleged causal chain between the defendants and Mr. Klayman’s alleged
24 injuries, and accordingly Mr. Klayman lacked standing to bring his federal law claims against the
25 federal government-related defendants. The court then declined to exercise supplemental
26 jurisdiction over the remaining state law claims, including those brought against Mr. Soros.

27 In Texas Action #2, the court granted Mr. Soros’ motion to dismiss, finding that “other
28 than conclusory statements, [Plaintiff] has not pled any facts to suggest that [the murder of Dallas

1 police officers] was dependent on the actions of the Defendants.” *Zamarripa*, 3:16-CV-03109-N
 2 at ECF 63 (internal citations omitted).

3 Finally, in California Action #1, Mr. Klayman brought claims for assault and intentional
 4 infliction of emotional distress, based on an allegation that, while Mr. Klayman was in the
 5 baggage claim at Los Angeles International Airport, a protestor who was at the airport protesting
 6 President Trump’s travel ban allegedly yelled and ran towards Mr. Klayman. *Klayman v. ACLU*,
 7 No. 2:17-cv-01703-JAK-JEM, ECF 1, ¶¶ 37-38. Initially, Mr. Klayman named President Obama
 8 as the only defendant. *Klayman v. Obama*, No. 2:17-cv-00836-JAK-JEM, ECF 1. The case was
 9 assigned to Judge John Kronstadt, *id.* at ECF 4, who was appointed to the federal bench by
 10 President Obama. Mr. Klayman voluntarily withdrew the case, *id.* at ECF 10, and, the same day,
 11 re-filed the case with virtually the same allegations and claims, but added several new defendants,
 12 including Mr. Soros. *Klayman v. ACLU*, 2:17-cv-01703-JAK-JEM, at ECF 1. He alleged, based
 13 on entirely conclusory statements, that the defendants had engaged in a conspiracy that led to Mr.
 14 Klayman’s purported injury. *Id.*, ECF 1 at 2. Once the action was assigned to Judge Kronstadt as
 15 a related case to Mr. Klayman’s initial filing, Mr. Klayman immediately voluntarily dismissed the
 16 suit again. *Id.* at ECF 73, 74.

17 C. **Facts Not Disclosed in Mr. Klayman’s Pro Hac Vice Application That Bear On**
 18 **Mr. Klayman’s Fitness To Practice In this Court and Abide By Its Rules**

19 1. **Mr. Klayman’s History of Judicial Reprimands and Sanctions**

20 In addition to being the subject of disciplinary proceedings, Mr. Klayman also has a
 21 lengthy and well-documented history of abuse of the court system and violation of professional
 22 ethics. The District Court for the District of Nevada recently rejected Mr. Klayman’s application
 23 to appear *pro hac vice* and the Ninth Circuit upheld that decision, finding that “[j]udges have
 24 sanctioned, chastised, and rebuked Klayman repeatedly over the past twenty years: in 1997, 1999,
 25 2001, 2003, 2009, 2011, and *twice* in 2015... ‘[T]his approach to litigation is the norm and not the
 26 exception for [Klayman].’” *In re Bundy*, 840 F.3d 1034, 1049 (9th Cir. 2016) (quoting *Klayman*
 27 *v. City Pages*, No. 5:13-cv-143-Oc-22PRL, 2015 WL 1546173, at *8 n.7 (M.D. Fla. Apr. 3,
 28 2015)). The Ninth Circuit found that Mr. Klayman “has shown a pattern of disregard for the local

1 rules, ethics, and decorum; and he has demonstrated a lack of respect for the judicial process.” *Id.*
 2 The Court held that “[b]y any standard, the district court properly denied [Mr. Klayman’s] petition
 3 to be admitted *pro hac vice*.” *Id.*

4 In at least fourteen cases, courts have sanctioned Mr. Klayman, criticized his behavior,
 5 and/or revoked his *pro hac vice* admission. Among those cases are two courts which have banned
 6 Mr. Klayman for life. *See MacDraw, Inc. v. CIT Grp. Equip. Fin., Inc.*, 157 F.3d 956, 963 (2d
 7 Cir. 1998) (affirming Southern District of New York court’s ruling that barred Mr. Klayman from
 8 appearing *pro hac vice* in perpetuity and sanctioned him for “undignified [and] discourteous
 9 conduct that is degrading to [the district court]” by, among other things, making accusations of
 10 racial and political bias); *Baldwin Hardware Corp. v. FrankSu Enter. Corp.*, 78 F.3d 550, 555
 11 (Fed. Cir. 1996) (affirming Central District of California court’s ruling that revoked Mr.
 12 Klayman’s ability to appear *pro hac vice* in perpetuity and sanctioned him for accusing the trial
 13 judge of anti-Asian bias and “unreasonably and vexatiously multiplying the proceedings”). In
 14 addition to these two cases are the following examples:

- 15 • A court denied Mr. Klayman’s *pro hac vice* application because his “record
 16 demonstrates more than an occasional lapse of judgment, it evinces a total
 17 disregard for the judicial process.” *Stern v. Burkle*, No. 0103916/2007, 2007 WL
 2815139 (Sup. Ct. N.Y. Cnty. Sept. 6, 2007).
- 18 • Mr. Klayman was sanctioned for filing an untimely complaint and opposing the
 19 government’s motion with “frivolous filings” that “wasted time and resources of
 20 defendant as well as of the court.” *Wire Rope Importers’ Ass’n v. United States*,
 Nos. 93-04-00221, 93-04-00236, 1994 WL 235620, at *7 (Ct. Int’l. Trade May 26,
 1994).
- 21 • A court criticized Mr. Klayman’s behavior as “often highly inappropriate” and his
 22 argument was “blighted by rude and unprofessional behavior which was directed
 23 toward the presiding judge and opposing counsel.” *Material Supply Int’l, Inc. v.*
Sunmatch Indus., Co., No. Civ. A. 94-1184, 1997 WL 243223, at *8, *10, n.7
 (D.D.C. May 7, 1997).
- 24 • Mr. Klayman “apparently misread (or never read) [the local rule]” and the court
 25 threatened sanctions for any future failures to comply with the local rules.
Alexander v. FBI, 186 F.R.D. 197, 199 (D.D.C. 1999).
- 26 • Mr. Klayman responded to the district court’s orders with a “forked tongue” and
 27 made arguments with “malicious glee.” *Judicial Watch of Fla., Inc. v. U.S. Dep’t*
of Justice, 159 F. Supp. 2d 763, 764 (D.D.C. 2001).

- 1 • Mr. Klayman’s arguments regarding the conduct of the district court were criticized
2 by the court as “bizarre” and “beyond far-fetched.” *Daly v. Far E. Shipping Co.*,
238 F. Supp. 2d 1231, 1241 (W.D. Wash. 2003).
- 3 • Mr. Klayman was sanctioned for failure “to comply with even the most basic of
4 discovery requirements” and the court noted that Mr. Klayman’s behavior was “not
5 simply an unexplained hiccup in an otherwise diligently prosecuted case.”
Klayman v. Barmack, No. 08-1005 (JDB), 2009 WL 4722803, at *1 (D.D.C. Dec.
6 4, 2009).
- 7 • Mr. Klayman was sanctioned on multiple occasions because “[h]is failures to
8 comply with [the] Court’s orders have been repeated, flagrant, and unrepentant”
9 and his “conduct rises to a level and pattern of intransigence and disrespect for the
10 Court’s authority that is not often witnessed.” *Klayman v. Judicial Watch, Inc.*,
802 F. Supp. 2d 137, 150 (D.D.C. 2011).
- 11 • A court noted it had “become quite frustrated with [Mr. Klayman’s] various tactics
12 to avoid Court rules throughout the course of [the] litigation” and that Mr. Klayman
13 had “routinely shown a disregard for this Court’s Local Rules.” *Klayman v. City
14 Pages*, No. 5:13-cv-143-Oc-22PRL, 2015 WL 1546173, at *8 n.7 (M.D. Fla. Apr.
15 3, 2015).
- 16 • A court threatened sanctions after Mr. Klayman repeatedly did not “attempt to
17 comply” with local rules. *Montgomery v. Risen*, No. 15-cv-02035-AJB-JLB, 2015
18 WL 12672703, at *1 (S.D. Cal. Oct. 2, 2015).
- 19 • The Ninth Circuit stated that “[Mr.] Klayman has shown such a casual
20 acquaintance with the facts that he is guilty of at least gross negligence in his
21 representations to this court.” *In re Bundy*, 852 F.3d 945, 951 (9th Cir. 2017).

22 2. Disciplinary Proceedings in Florida and the District of Columbia

23 Mr. Klayman is a member of the D.C. and Florida bars and has recently been the subject of
24 disciplinary proceedings in both jurisdictions. Earlier this year, Mr. Klayman was the subject of
25 disciplinary proceedings before the District of Columbia Court of Appeals Board of Professional
26 Responsibility (the “Board”). He was charged with violating the D.C. and Florida rules of
27 professional conduct by – in three separate cases – representing a client against a former client in a
28 matter that is the same or substantially related to a matter in which he represented his former
client. On June 19, 2017, the Board issued a Report and Recommendation finding by clear and
convincing evidence that Mr. Klayman violated D.C. Rule of Professional Conduct 1.9 in two
matters and Florida Rule of Professional Conduct 4-1.9(a) in another matter. (See District of
Columbia Court of Appeals, Board on Professional Responsibility, Hearing Committee Number
Nine, Report and Recommendation, issued June 19, 2017, attached as Exhibit A to the Declaration

1 of Andrew Hanrahan in Support of Motion to Revoke Pro Hac Vice Admission of Larry Klayman,
2 dated July 19, 2017 and filed concurrently herewith (“Hanrahan Decl.”).)

3 In addition to finding that Mr. Klayman had violated the rules of professional conduct, the
4 Board found that Mr. Klayman’s “conduct in this [disciplinary] proceeding was dishonest and
5 lacked candor in further aggravation of his misconduct.” For instance, Mr. Klayman “testified
6 falsely that he acted under the advice of counsel,” his “post-hearing brief repeatedly
7 mischaracterize[d] [witness] testimony,” and his “characterizations of the evidence lack[ed] the
8 candor required of an attorney in a disciplinary proceeding.” (*Id.* at 37.) The Board concluded
9 that Mr. Klayman’s conduct “raises a serious doubt as to his ability to practice in conformance
10 with the rules.” (*Id.* at 41.)

11 The Board recommended that Mr. Klayman be suspended from the practice of law for 90
12 days, with reinstatement conditioned upon a showing of his fitness to practice law. (*Id.* at 43.)

13 Separately, in 2011, Mr. Klayman was reprimanded by the Supreme Court of Florida for
14 violating four of Florida’s rules of professional conduct in connection with a client dispute. (*See*
15 Supreme Court of Florida Order dated Aug. 29, 2011, attached as Exhibit B to the Hanrahan
16 Decl.) Mr. Klayman’s client alleged that Mr. Klayman failed to provide her with legal services
17 despite having received a \$25,000 retainer. (*See* Consent Judgment dated July 14, 2011, attached
18 as Exhibit C to the Hanrahan Decl., at ¶ 3A.) After mediation, Mr. Klayman agreed to pay the
19 client \$5,000 within 90 days. (*Id.* at ¶ 3B.) Mr. Klayman failed to uphold the agreement and paid
20 the client only after more than two years had passed, and after Florida bar counsel had sent
21 numerous letters requesting that Mr. Klayman comply. (*Id.* at ¶¶ 3C-3N.) Mr. Klayman admitted
22 that his conduct violated Florida Rules of Professional Conduct 3-4.3, 4-8.4(a), 4-8.4(g), and 14-
23 5.1(b), and he agreed to a public reprimand. (*Id.* at ¶¶ 4-5.)

24 IV.

25 ARGUMENT

26 Federal courts have long had the authority to “establish criteria for admitting lawyers to
27 argue before them.” *United States v. Gonzalez-Lopez*, 548 U.S. 140, 151 (2006). A District
28 Court’s revocation of an attorney’s *pro hac vice* status “falls within the scope of the inherent

1 power of the federal courts because a federal court has the power to control admission to its bar
2 and to discipline attorneys who appear before it.” *Lasar v. Ford Motor Co.*, 399 F.3d 1101, 1118
3 (9th Cir. 2005) (internal citations omitted). A District Court “need only provide notice and an
4 opportunity to be heard before revoking an attorney’s *pro hac vice* status. . . .” *Id.* at 1112.
5 “Where an out-of-state attorney suggests through his behavior that he will not ‘abide by the
6 court’s rules and practices,’ the district court may reject his *pro hac vice* application.” *In re*
7 *Bundy*, 840 F.3d 1034, 1042 (9th Cir. 2016); *see also United States v. Panzardi Alvarez*, 816 F.2d
8 813, 817 (1st Cir. 1987) (a court may, in its discretion, deny a *pro hac vice* application because of
9 unethical conduct); *D.H. Overmyer Co. v. Robson*, 750 F.2d 31, 34 (6th Cir. 1984) (bankruptcy
10 court did not abuse its discretion in revoking attorney’s *pro hac vice* status, where the attorney
11 failed to comply with bankruptcy rules requiring disclosure of conflicts).

12 Rule 11-3 of the United States District Court for the Northern District of California Civil
13 Local Rules provides that “an attorney who is not a member of the bar of this Court may apply to
14 appear *pro hac vice* in a particular action in this district” by submitting an application to the Clerk.
15 The rule provides that the “assigned judge *shall have discretion* to accept or reject the
16 application.” *Id.* (emphasis added).

17 The Court should exercise its discretion and revoke the *pro hac vice* admission of Mr.
18 Klayman. When Mr. Klayman’s *pro hac vice* motion was originally submitted and granted by this
19 Court, the Court was not made aware of Mr. Klayman’s voluminous record of discipline,
20 sanctions, and criticisms from courts across the country, all of which, when added together, easily
21 satisfies the standard for rejecting a *pro hac vice* application established by the Ninth Circuit in
22 *Bundy*.

23 In a detailed opinion, the Ninth Circuit recently held that Mr. Klayman’s checkered history
24 warranted denial of his *pro hac vice* application. In *In re Bundy*, the Ninth Circuit reviewed Mr.
25 Klayman’s history of discipline, sanctions, and criticism from courts and found that it “is not a
26 flattering record and not one that the district court should ignore,” given Mr. Klayman’s
27 “unwillingness or inability” to follow local rules. *In re Bundy*, 840 F.3d at 1046-47. While noting
28 that “the district courts must carefully balance . . . vigorous advocacy against the need for order

1 and decorum in the proceedings,” the Ninth Circuit concluded that “[w]herever that line lies,
2 Klayman has crossed it more than once, and the district court did not abuse its discretion – and
3 certainly did not come close to committing clear error – in taking account of Klayman’s past
4 behavior and denying him *pro hac vice* status.” *Id.* at 1047. The Ninth Circuit’s opinion
5 principally relied on two concerns, both of which are equally applicable here.

6 *First*, as described in detail above, Mr. Klayman has a long track record of being
7 sanctioned, having his *pro hac vice* status denied or revoked, and having his behavior criticized by
8 numerous courts across the country, all of which illustrates exactly why he should not be given
9 *pro hac vice* status in this case. There are at least fourteen examples of Mr. Klayman’s conduct
10 drawing the ire of the court. Two district courts have even taken the extraordinary step of banning
11 Mr. Klayman from their courtrooms for life.

12 *Second*, Mr. Klayman, who is admitted to the bars of Florida and D.C., has recently been
13 subject to discipline in both jurisdictions for ethical violations. Both instances demonstrate that
14 Mr. Klayman refuses to practice in conformance with court rules and practices. In 2011, the
15 Florida Supreme Court publicly reprimanded Mr. Klayman in connection with a client dispute.
16 Then, less than two weeks after Mr. Klayman was admitted *pro hac vice* in this Court, a Hearing
17 Committee of the D.C. Court of Appeals Board on Professional Responsibility issued a Report and
18 Recommendation that found, by clear and convincing evidence, that in three separate cases, Mr.
19 Klayman took on representations that were clear conflicts of interest. (Hanrahan Decl. Exhibit A
20 at 43.) The Board found Mr. Klayman’s conduct so egregious that it recommended a penalty even
21 more severe than what the prosecuting bar counsel had requested: a suspension from the practice
22 of law for 90 days with reinstatement conditioned upon a showing of fitness to practice law. *Id.* at
23 41-42.

24 In each case, Mr. Klayman has refused to accept responsibility for his actions or
25 acknowledge that he has done anything improper. The D.C. Board found that Mr. Klayman “does
26 not recognize the seriousness of the misconduct or even agree that it is misconduct at all.” (*Id.* at
27 42.) In response to the thorough Report and Recommendation issued by the Board in D.C., Mr.
28 Klayman continued his refusal to accept responsibility and indicated that he “strongly disputed the

1 findings” and pledged to appeal. *See* Andrew Strickler, *Ex-Judicial Watch Attorney Hit With*
2 *Sanction Recommendation*, Law 360, June 20, 2017, available at
3 [https://www.law360.com/articles/936678/ex-judicial-watch-atty-hit-with-sanction-](https://www.law360.com/articles/936678/ex-judicial-watch-atty-hit-with-sanction-recommendation)
4 recommendation. Similarly, despite having accepted a reprimand in 2011 from the Florida
5 Supreme Court, in the proceedings before the D.C. Board, Mr. Klayman “denie[d] responsibility
6 for his misconduct” in Florida. (Hanrahan Decl. Exhibit A at 37.) Mr. Klayman told the Board
7 that he agreed to the Florida reprimand “to simply put the matter behind [him]” and that his
8 conduct did not involve “any...ethical violation.” As the Board noted, “[t]hat simply is not true.”
9 *Id.*

10 Mr. Klayman’s recent behavior in the cases he has filed against Mr. Soros plainly
11 demonstrate that he has not changed his tactics. He continues to use the federal courts as a vehicle
12 for politically-motivated lawsuits that are pure publicity stunts. This is the fourth case Mr.
13 Klayman has filed against Mr. Soros in the last 12 months and each of them was, on its face,
14 frivolous. Two of the cases were dismissed and Mr. Klayman voluntarily withdrew the third.
15 *Klayman v. Obama*, 3:16-CV-02010-L (N.D. Tex.) at ECF 145, 146; *Zamarripa v. Farrakhan*,
16 3:16-cv-03109-N (N.D. Tex.) at ECF 63; *Klayman v. ACLU*, 2:17-cv-01703-JAK-JEM at ECF 74.
17 These actions have caused Mr. Soros to retain legal counsel in Texas and California and incur
18 significant legal fees in defending himself against these baseless claims.

19 Moreover, Mr. Klayman has continued his pattern of inappropriate conduct that flouts the
20 court’s rules. Judge Sam Lindsay of the Northern District of Texas stated that Mr. Klayman’s
21 “shenanigans are degrading to the legal profession” and threatened him with sanctions. *Klayman*
22 *v. Obama*, 3:16-CV-02010-L (N.D. Tex.) at ECF 54, 133. That most recent admonishment – the
23 latest in a long-running history of reprimands from the courts – did not stop Mr. Klayman from
24 filing yet another frivolous case in the Central District of California and then twice voluntarily
25 dismissing it when it was assigned to a judge that Mr. Klayman did not like. *Klayman v. Obama*,
26 No. 2:17-cv-00836-JAK-JEM, at ECF 10; *Klayman v. ACLU*, No. 2:17-cv-01703-JAK-JEM, ECF
27 74. It is obvious that no amount of threats, admonishments, or sanctions by the court will cajole
28 Mr. Klayman into following the rules of the court and meeting a basic standard of professionalism.

1 The concerns articulated by the Ninth Circuit, combined with Mr. Klayman’s refusal to
2 acknowledge any wrongdoing, give this Court every reason to think that this pattern of conduct
3 will continue, and the Court should not have to “hold its breath for the duration of [the case] in
4 hopes that misconduct will not result.” *Kampitch v. Lach*, 405 F. Supp. 2d 210, 218 (D.R.I. 2005)
5 (quoting *Kohlmayer v. Nat’l Railroad Passenger Corp.*, 124 F. Supp. 2d 877, 882 (D. N.J. 2000))
6 (denying *pro hac vice* admission based on attorney’s history of inappropriate behavior). The
7 inability to practice in accordance with the court’s rules is one of the paradigm bases identified by
8 the Ninth Circuit for rejecting a *pro hac vice* application and the Court should so exercise its
9 discretion here. *In re United States*, 791 F.3d 945, 957 n.8 (2015) (“A district court would clearly
10 act within its discretion in denying *pro hac vice* admission if, for example, an attorney’s actions
11 led the court to conclude the attorney would not ‘abide by the court’s rules and practices’...”);
12 *United States v. Bennett*, No. 06-00068 SOM-LEK, 2006 WL 2793170, at *5 (D. Haw. Sept. 27,
13 2006) (denying application to appear *pro hac vice* based on “questionable conduct” that “does not
14 appear to be isolated or infrequent”).

15 There must be “some point, some line at which an attorney’s repeated, documented,
16 instances of uncivilized behavior, whether or not rising to the level of a disbarable offense, strips
17 him of the privilege of *pro hac vice* admission.” *Kohlmayer*, 124 F. Supp. 2d at 883. After two
18 decades of repeatedly inappropriate conduct, Mr. Klayman has surely crossed that line.

19 V.

20 **CONCLUSION**

21 For the foregoing reasons, Defendant George Soros respectfully requests this Court to
22 revoke the *pro hac vice* admission of Larry Klayman, and for any further relief, at law or in equity,
23 to which he is justly entitled.
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DATED: July 19, 2017

Respectfully submitted,

JOSEPH T. BAIO
BENJAMIN P. McCALLEN
ANDREW HANRAHAN
WILLKIE FARR & GALLAGHER LLP

STAN G. ROMAN
KELLER, SLOAN, ROMAN LLP

By: /s/ Stan G. Roman
 STAN G. ROMAN
 Attorneys for Defendant GEORGE SOROS