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7 **Attorney for Plaintiffs**  
8 Open Source Security Inc. &  
9 Bradley Spengler

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 OPEN SOURCE SECURITY INC. and  
14 BRADLEY SPENGLER

15 Plaintiff,

16 v.

17 BRUCE PERENS, and Does 1-50,

18 Defendants.

) Case No.: 3:17-cv-04002-LB

)  
) **PLAINTIFFS' COUNSEL'S EX PARTE**  
) **APPLICATION TO DEEM MOTION FOR**  
) **SANCTIONS AS IMPORPER PURSUANT**  
) **TO LOCAL RULE 7-8 (c) and (d)**

)  
) Location: Courtroom C, 15th Floor  
) Judge: Hon. Laurel Beeler

1 **MOTION FOR SANCTIONS IS IMPROPER AS A MATTER OF PROCEDURE**

2 “Any motion for sanctions, regardless of the sources of authority invoked, must comply with  
3 the following: ... unless otherwise ordered by the Court, no motion for sanctions may be served and  
4 filed more than 14 days after entry of judgment by the District Court.” L.R. 7-8(d).

5 Furthermore, L.R. 7-8(c) states, “[t]he motion must comply with any applicable Fed. R. Civ. P.  
6 and must be made as soon as practicable after the filing party learns of the circumstances that it alleges  
7 make the motion appropriate;”

8 The instant motion for sanctions was filed and served on Thursday, February 8, 2018. *See* ECF  
9 No. 64. Pursuant to L.R. 7-8(d), since judgment in the instant matter was entered on Wednesday,  
10 January 24, 2018, thereby making last day to file a sanctions motion to be February 7, 2018.

11 Further, since all allegations stated in the motion for sanctions were allegedly undertaken by  
12 the undersigned prior to the Court hearing date of December 14, 2017, Defendant had numerous  
13 opportunities to file a motion for sanctions he now seeks. However, Defendant literally waited till the  
14 last minute to file his motion for sanctions and has now missed his deadline. Therefore, even if  
15 Defendant alleges a clerical error, he cannot provide any reasonable excuse why this motion was not  
16 filed as soon as practicable after learning the circumstances that he alleges make the motion  
17 appropriate.

18 Therefore, in the interest of judicial economy, the Court is requested to deem the motion for  
19 sanctions as improper and remove it from calendar.

20  
21 Date: February 10, 2018

22  
23 Respectfully Submitted,  
24 CHHABRA LAW FIRM, PC  
25 s/Rohit Chhabra  
26 Rohit Chhabra  
27 Attorney for Plaintiffs  
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**DECLARATION**

I, Rohit Chhabra, declare:

1. I am the attorney representing Plaintiffs Open Source Security Inc., and Bradley Spengler (“Plaintiffs”) in the above referenced action. My office is located at 257 Castro St. 104 Mountain View California 94041. I am a member of the bar of the State of California. I have personal knowledge and I am informed of the facts stated herein and, if called to testify, could and would testify completely hereto.

2. The final judgment in this matter was entered on January 24, 2018, ECF No. 58.

3. An email received from this Court’s ECF system and review of the docket indicates that the motion for sanctions, ECF No. 64, was entered and filed on Thursday, 2/8/2018.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of February 2018 in Mountain View, California.

Respectfully Submitted,

CHHABRA LAW FIRM, PC

s/Rohit Chhabra

Rohit Chhabra

Attorney for Plaintiffs

Open Source Security Inc. & Bradley Spengler