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5

6 *Plaintiff in pro se*

7 Laura Lynn Hammett
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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 Laura Lynn Hammett,

13 Plaintiff,

14 v.

15 Mary E. Sherman, et al.

16 Defendant.
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Case No.: 19-CV-0605-LL-AHG
Plaintiff's Opposition to Defendants Ellis
Roy Stern, Alan G. Goldberg and Stern
& Goldberg's Combined Motion for
Attorney' Fees (ECF No. 271)

Hearing Date: December 2, 2022
Time: none scheduled
Courtroom: N/A
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1 TO: THE COURT AND ALL PARTIES OF RECORD:
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3 I, Laura Lynn Hammett (“Plaintiff”), for this Plaintiff’s Opposition to Defendants
4 Ellis Roy Stern, Alan G. Goldberg and Stern & Goldberg’s (together “S & G”) Combined
5 Motion for Attorney’ Fees (ECF No. 271) state:

6 The Court issued an order (ECF No. 284) on my ex parte motion to strike S & G’s
7 motion for attorney fees (ECF No. 282).

8 The Court’s opinion, inter alia: “This Court’s prior orders already determined that the
9 S&G Defendants and MKZ Defendants were prevailing parties, based on the Court’s
10 analysis under Coltrain v. Shewalter, 66 Cal. App. 4th 94 (1998), and awarded fees to the
11 Attorney Defendants for expenses incurred up to the Court’s initial order granting fees.
12 See ECF Nos. 111 at 48; 266 at 9-10. In other words, the substance of the present fee
13 motions is not whether Plaintiff’s claims against the Attorney Defendants was barred by
14 the anti-SLAPP statute or whether an award of fees is mandatory under that statute, but
15 whether the fees sought by the Attorney Defendants is reasonable.”

16 The Court is wrong again. The “law of the case” is not controlling where it is a clear
17 error, such as here. The law of the case is not controlling where the judge who wrote it
18 appeared to have a bias and should have recused. The law of the case is not controlling
19 before it is affirmed by the Court of Appeals.

20 Therefore, I am reasserting my previous arguments against awarding any attorney fees
21 pursuant to Cal. Code Civ. Proc. Sec. 425.16(C)(1) in order to preserve the arguments for
22 appeal.

23 My repeated arguments:

- 24 1. The Court appeared to have a bias and retaliated against me for complaining about
25 clerk “JPP” altering the docket, then altering it back without indication on the
26 docket after I told him I had a copy of the unaltered version. Until she was recused,
27 which never happened, the proceedings were tainted.

2. The derivative cause of action for legal malpractice arising from S & G's dual representation of Silver Strand Plaza, LLC ("SSP") and individual members of SSP and all proceedings based on it that cause of action are null and void because I filed on behalf of a limited liability company.
3. Neither cause of action against S & G was Strategic Litigation Against Public Participation ("SLAPP"), therefore failing the first prong of the anti-SLAPP test.
4. The "voluntary dismissal" was mandated. That is why I dismissed the causes and there can therefore be no presumption that S & G was the prevailing party.
5. The denial of leave to hire an attorney on limited scope made equal protection for me impossible because I am not a net-worth-elite person. The Southern District of California is split from other districts in the Circuit and throughout the country. The result of having no mechanism to retain limited scope representation is to render the "anti-SLAPP" statute, Cal. Code Civ. Proc. Sec. 425.16(C)(1) unconstitutional as applied in the Southern District of California. (A notice pursuant to FRCP 5.1 will be filed and served with a copy of these papers promptly on the Attorney General of the State of California by certified mail or electronically.)

I am adding argument pursuant to intervening-change-in-law that was issued October 20, 2022, *Wakefield v. ViSalus, Inc.*, 2022 WL 11530386 United States Court of Appeals, Ninth Circuit, that questions the constitutionality of awarding an oppressive award, even if mandated by statute.

The aggregate attorney fee awards against me are unreasonable, oppressive and violate my Constitutional rights, and therefore, if not reversed should be reduced drastically.

1 I am asking this Court to deny any further attorney fees to S & G and will ask the
2 Ninth Circuit Court of Appeals to reverse the prior orders which were based on clear
3 error.

4 This opposition is based on this Plaintiff's Opposition to Defendants Ellis Roy Stern,
5 Alan G. Goldberg and Stern & Goldberg's Combined Motion for Attorney' Fees, the
6 accompanying Brief Memorandum of Points and Authorities, the Affidavit of Laura Lynn
7 Hammett, as well as the pleadings and papers filed herein, and any oral argument
8 presented at the time of hearing, should the Court desire oral argument.

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10 Respectfully submitted,

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12 11/18/2022

/s/ Laura Lynn Hammett
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1 **Certificate of Service**

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3 A copy of this Plaintiff's Opposition to Defendants Ellis Roy Stern, Alan G.
4 Goldberg and Stern & Goldberg's Combined Motion for Attorney' Fees (Doc. 271) was
5 served upon all counsel of record by filing on the electronic filing system, which
6 automatically notifies all attorneys of record. The service list attached to MKZ's
7 Certificate of Service is incorporated here as if fully set forth, with the addition of Daniel
8 S. Agle, KLINEDINST PC, dagle@klinedinstlaw.com.

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