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

OptroniX,

CASE NUMBER:

UNITED STATES OF AMERICA
OFFICE OF THE US ATTORNEY;
MIT LINCOLN LABORATORY;
LAWRENCE LIVERMORE NATIONAL LABORATORY;
AEROSPACE CORPORATION, DEFENDANT(S).
(for contact info - see last page attached)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that _____ hereby appeals to
Name of Appellant
the United States Court of Appeals for the Ninth Circuit from:

- 1) Order Granting The Motion To Dismiss Filed By Defendants. Entered on 12/15/06
- 2) Order Of The Judge "CASE CLOSED" Entered on 12/15/06
- 3) Order Of The Judge "Case Closed". Filed on 12/21/06
- 4) Order Of The Judge "Case Closed". Filed on 12/21/06

Criminal Matter

- Conviction only [F.R.Cr.P. 32(j)(1)(A)]
- Conviction and Sentence
- Sentence Only (18 U.S.C. 3742)
- Pursuant to F.R.Cr.P. 32(j)(2)
- Interlocutory Appeals
- Sentence imposed:

Civil Matter

- Order (specify):
- Judgment (specify):
- Other (specify):

Bail status:

Entered in this action on _____.

A copy of said judgment or order is attached hereto.

12/31/2006

Date

Dr. Nirva Schuster

Signature

Appellant/ProSe Counsel for Appellant Deputy Clerk

Note: The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TENTATIVE RULING

Case Number: CV 06-04010 DDP (JCx)

Title: DR. NIRA Dr. Schwartz dba Jaffa OptroniX v.
UNITED STATES OF AMERICA OFFICE OF THE US
ATTORNEY; MIT LINCOLN LABORATORY; LAWRENCE
LIVERMORE NATIONAL LABORATORY; AEROSPACE
CORPORATION

Hearing Date: December 11, 2006

Motion: Defendants' Motions to Dismiss

HON. DEAN D. PREGERSON, JUDGE

John Chambers, Deputy Clerk

***TENTATIVE RULING:** The Court is inclined to grant the motions
and adopt the following order.*

This matter comes before the Court on the government's motion to dismiss for lack of subject matter jurisdiction and on the other defendants' motion to dismiss for failure to state a claim. After reviewing the papers submitted by the parties, the Court is inclined to grant the motions.

I. BACKGROUND¹

In the 1990s, Dr. Nira Schwartz worked for a limited time at TRW, Inc., the subcontractor developing software an Exoatmospheric Kill Vehicle ("EKV") for the government's

¹ The Court grants the defendants' requests for judicial notice in support of their motions to dismiss.

National Missile Defense Program. After her employment was terminated, she filed a qui tam action against TRW, Boeing North American, Inc., and Nichols Research Corporation, pursuant to the False Claims Act, 31 U.S.C. § 3729 et seq.² In that action, she alleged that the defendants had committed fraud in the process of choosing contractors to develop the EKV. She also alleged that TRW had wrongfully terminated her employment in violation of whistleblower statutes. In 2001, she filed a similar suit against Raytheon Company.

The United States initially declined to intervene in either case, and Dr. Schwartz moved forward with the litigation on her own. However, the United States eventually moved to intervene in both cases in order to assert the state secret privilege and to move to dismiss the FCA claims. The district court granted the government's motion to intervene and dismissed both FCA claims. Dr. Schwartz appealed, and the Ninth Circuit affirmed the dismissal.

Following dismissal of the qui tam cause of action, Dr. Schwartz's employment case against TRW went to trial. The jury returned a special verdict in TRW's favor and judgment was entered on January 13, 2005. TRW and Dr. Schwartz then stipulated that in exchange for TRW's agreement not to enforce a judgment for costs in its favor, Dr. Schwartz waived her rights to file post-trial motions, and waived her right to appeal any order, verdict or judgment in the case, including

² The False Claims Act imposes civil liability upon any person who "knowingly presents, or causes to be presented, to . . . the United States . . . a false or fraudulent claim for payment or approval." 31 U.S.C. 3729(a). FCA litigation may be initiated by private citizens who bring that actions for themselves and the United States.

the order of dismissal entered on March 26, 2003, granting the government's motion to dismiss the false claims allegations against TRW. This stipulation was approved as a court order on February 9, 2005.

In response to the government's action in the qui tam cases, on January 8, 2003, Dr. Schwartz filed a complaint in the Court of Federal Claims. In her complaint, she alleged that the Department of Justice ("DOJ") trial attorney assigned to represent the Government in the qui tam action entered into, and later breached, an oral agreement with Dr. Schwartz to intervene in her qui tam action and to pay her to work as an "expert consultant" on the qui tam case. On December 29, 2003, the Court of Federal Claims dismissed portions of the complaint for lack of subject matter jurisdiction, and dismissed the remainder for failure to state a claim upon which relief can be granted.

In April 2003, Dr. Schwartz filed suit in the Court of Claims against the Department of Defense, the Department of Justice, and the Army, alleging, *inter alia*, that the Government had improperly had declined to intervene in the TRW action. Judgment in that action was entered in favor of the United States on February 18, 2004.

In this action, Dr. Schwartz alleges eight causes of action for: (1) declaratory judgment and injunctive relief; (2) specific performance; (3) replevin; (4) breach of trust; (5) accounting; (6) money had and received; (7) conversion and trade secret misappropriation; and (8) unfair competition. Dr. Schwartz seeks general and specific damages, disgorgement and restitution, double damages, preliminary and permanent injunctive relief, and punitive damages.

Although it is not entirely clear from the complaint, it appears that Dr. Schwartz's claims against Defendants MIT Lincoln Laboratory, Lawrence Livermore National Laboratory, and Aerospace Corporation arise from their involvement in her first qui tam case against TRW. During that case, the United States assembled a "Phase One Engineering Team" ('POET") to evaluate Dr. Schwartz's claims concerning TRW's EKV software, and the defendant companies provided personnel for POET. The plaintiff alleges that POET wrote "counter-reports^N that wrongfully used her "intellectual property."³

Similarly, it appears that Dr. Schwartz's allegations against the government are based upon the government's investigation and litigation of the qui tam action. Among other things, Dr. Schwartz alleges that the United States fraudulently convened POET as an independent evaluator of her claims, declined to intervene in her qui tam action based on false information provided by POET and later dismissed the qui tam action without the Attorney General's written consent. (Compl. ¶¶ 26, 27, 57, and 64.) Dr. Schwartz further alleges that the United States falsely classified her intellectual property, discriminated against her vis a vis POET, and

³ The plaintiff defines her intellectual property as follows:

13 reports, computer diskettes with her developed software and algorithms, source code and in object code form, presentations, viewgraphs, lectures, technologies, know how, trade secrets, Intellectual Property, technologies, Copyrights information, confidential and proprietary information, test procedures, test results, test validations, flight tests analysis and validations, thousands of pages of fine and detailed analysis and recommendations related to NMD/EKV POET technologies.

(Compl. ¶ 18.)

refused to pay her for intellectual property which she provided to the government. (Id. ¶¶ 33, 43, 47, 64.)

On September 5, 2006, Defendants MIT Lincoln Laboratory, Lawrence Livermore National Laboratory, and Aerospace Corporation filed a motion to dismiss for failure to state a claim under which relief can be granted.⁴ On September 6, 2006, the government filed a motion to dismiss for lack of subject matter jurisdiction.

II. GOVERNMENT'S MOTION TO DISMISS

A. Sovereign Immunity

No suit or request for relief may be brought against the United States in any court unless there has been an express waiver of sovereign immunity. As a sovereign, the United States and its agencies may not be sued without its consent, and the terms of its consent define the Court's jurisdiction. United States v. Dalm, 494 U.S. 596, 608 (1990); Gilbert, 756 F.2d at 1458. Only Congress can waive the sovereign immunity of the United States by enacting statutes consenting to suit. See United States v. Sherwood, 312 U.S. 584, 587 (1941); Midwest Growers Co-op Corp. V. Kirkemo, 533 F.2d 455, 465 (9th Cir. 1976). In determining whether Congress has waived the immunity of the United States, courts must construe statutory waivers strictly in favor of the sovereign and must not enlarge the waiver beyond what the statutory language

⁴ The defendants also moved the Court to dismiss the complaint on the grounds that it violates the "short and plain" statement of the claims requirement of Federal Rule of Civil Procedure 8. The Court recognizes that the complaint could probably be dismissed on those grounds. However, the Court is inclined to review the merits of each claim.

requires. See Library of Congress v. Shaw, 478 U.S. 310 (1986).

1. Federal Tort Claims Act

The Federal Tort Claims Act is a limited waiver of sovereign immunity, making the Federal Government liable to the same extent as a private party for certain torts of federal employees acting within the scope of their employment. United States v. Orleans, 425 U.S. 807, 813 (1976). Prior to filing a suit in district court under the FTCA, the plaintiff must first file an administrative claim, and then either the claim must be denied or six months must elapse after filing. 28 U.S.C. § 2675(a). The Ninth Circuit has held that this administrative claim requirement is jurisdictional. Jerves v. United States, 966 F.2d 517, 519 (9th Cir. 1992) (internal citations omitted). Thus, if the plaintiff files suit in district court without having exhausted her administrative remedies, the court lacks subject matter jurisdiction to hear the claim and the action must be dismissed. Brady v. United States, 211 F.3d 499, 502-03 (9th Cir. 2000).

The Government has submitted a declaration that Schwartz has not filed an administrative claim. Schwartz has not opposed the Government's declaration. Accordingly, the Court is inclined to find that Dr. Schwartz has not exhausted her administrative remedies and to her FTCA claim for lack of subject matter jurisdiction.

2. Contract Claim

28 U.S.C § 1491(a)(1) states: "The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded . . . upon any express or implied contract with the United States." For claims in excess of \$10,000, this jurisdiction is exclusive.

Am I barred from filing in
FCO claim

Marceau v. Blackfeet Housing Authority, 455 F.3d 974, 986 (9th Cir. 2006). Thus, any express or implied contract claim Schwartz has made against the United States in excess of \$10,000 must be dismissed.

3. Copyright Claim

28 U.S.C. § 1498(b) states: "Hereafter, whenever the copyright in any work protected under the copyright laws of the United States shall be infringed by the United States . . . the exclusive action which may be brought for such infringement shall be an action by the copyright owner against the United States in the Court of Federal Claims" Accordingly, any copyright claims Schwartz has made against the United States must be dismissed.

B. Res Judicata and Collateral Estoppel

A claim is barred from re-litigation by res judicata and collateral estoppel where the prior litigation: (1) involved the same parties or their privies; (2) was terminated by a final judgment on the merits; and (3) involved the same claim or cause of action as the later suit. Hydranautics v. Filmtec Corp., 204 F.3d 880, 888 (9th Cir. 2002) (internal citations omitted).

Here, Dr. Schwartz seeks the right to reinstate her qui tam action for a variety of reasons, including her claims of conflicts of interest, "false declination," and dismissal of the qui tam without the written consent of the Attorney General, and alleged fraudulent payment of TRW's attorneys' fees. However, Dr. Schwartz's previous qui tam action against TRW was resolved against her with prejudice. Moreover, the Court of Federal Claims dismissed her breach of contract claims on substantive grounds. Accordingly, she is barred

from re-litigating the qui tam action or her breach of contract claim.

C. Conclusion

For the foregoing reasons, the Court is to dismiss Schwartz's claims against the United States for lack of subject matter jurisdiction.

III. MOTION TO DISMISS BY DEFENDANTS MIT LINCOLN LABORATORY, LAWRENCE LIVERMORE NATIONAL LABORATORY, AND AEROSPACE CORPORATION

A. Legal Standard

Dismissal under Federal Rule of Civil Procedure 12(b)(6) is appropriate "if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations." See Newman v. Universal Pictures, 813 F.2d 1519, 1521-22 (9th Cir. 1987) (quoting Hison v. King & Spaulding, 467 U.S. 69, 73 (1984)). The Court must "accept all factual allegations of the complaint as true and draw all reasonable inferences in favor of the nonmoving party." Arpin v. Santa Clara Valley Transp. Agency, 261 F.3d 912, 923 (9th Cir. 2001). While complaints by plaintiffs in pro per are liberally read, the Court need not accept as true unreasonable inferences or allegations of fact. See, e.g., Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir. 2001).

B. Analysis

As an initial matter, the Court notes that it is difficult to discern the nature of the plaintiff's allegations and claims by reading her complaint. For example, the Court cannot readily determine what claims are made against which defendants. However, the Court will still review each of the

plaintiff's claims in determining whether to grant the defendants' motion to dismiss pursuant to Rule 12(b)(6).

1. Count I: Declaratory and Injunctive Relief⁵

A claim for declaratory relief must allege: (1) a proper subject of declaratory relief; and (2) an actual controversy involving justiciable questions relating to the rights or obligations of a party. 28 U.S.C. § 2201 et seq. The "proper subjects" of declaratory relief are governed by state law, and justiciability is governed by federal law.

In California, the subject of declaratory relief must pertain to the legal rights and duties of the respective parties under a contract, statute, or order. See Brownfield v. Daniel Freeman Marina Hospital, 208 Cal.App.3d 405, 410 (1989). The essence of the Count I allegations appear to be the following: that the plaintiff was retained by the government to provide expert analyses to defendants in the original qui tam action; that the defendants issued a report to the government disagreeing with the plaintiff's allegations; that as a result, the government, declined to intervene. Not only do these allegations fail to pertain to the legal rights and duties of the respective parties under a contract, statute, or order; they are foreclosed by the dismissal of the TRW action.⁶

⁵ The Court also notes that the plaintiff's joinder of two sets of claims in both Counts I and VII is inappropriate under Federal Rule of Civil Procedure 10(b).

⁶ The plaintiff appears to be seeking a declaration that her qui tam case was improperly dismissed. However, this Court does not have the authority to review the merits of the dismissal.

Accordingly, the Court is inclined to find that the plaintiff's claims are not cognizable at law or in equity and thus there is no justiciable controversy capable of supporting a claim for declaratory and injunctive Relief.

2. Count II: Specific Performance

A party may be entitled to specific performance of a contract where: (1) its terms are sufficiently definite; (2) consideration is adequate; (3) there is substantial similarity of the requested performance to the contractual terms; (4) there is mutuality of remedies; and (5) plaintiff's legal remedy is inadequate. Blackburn v. Charnley, 117 Cal.App.4th 758, 766 (2004). Here, the plaintiff has not alleged that she and the defendants had entered into a binding contract. Although the complaint refers to a consulting agreement, it indicates that the agreement involved the government, and not the POET defendants. Accordingly, the Court is inclined to find that the plaintiff cannot plead a claim for specific performance.

3. Count III: Replevin

A replevin cause of action involves "the concept of interference with possession of, or damage to, some specific tangible property and [is] not concerned with intangible or incorporeal rights which may exist in connection with, or entirely apart from any particular piece of physical property." Italiani v. Metro-Goldwyn-Mayer Corp., 45 Cal.App.2d 464, 467 (1941). Here, the plaintiff has not alleged what specific, tangible property she is entitled to, or how the defendants have interfered or damaged that property. She refers to her "intellectual property" that she

created as a result of the consulting agreement, but the Court cannot determine the nature of that property. Therefore, the Court is inclined to find that the plaintiff cannot bring a replevin cause of action.

4. Count IV: Breach of Trust and Confidence and Abuse of Power⁷

In California, a plaintiff can prevail on a breach of confidence claim when she establishes that "an idea, whether or not protectable, is offered to another in confidence, and is voluntarily received by the offeree in confidence with the understanding that it is not to be disclosed to others, and is not to be used by the offeree for purposes beyond the limits of the confidence without the offeror's permission." Faris v. Enberg, 97 Cal.App.3d 309, 323 (1979). Here, it does not appear that the plaintiff offered her intellectual property to the government or defendants with the understanding that it would be held in confidence. The plaintiff does not offer facts indicating that her "intellectual property" was provided with restrictions. Therefore, the Court is inclined to find that she has failed to state a breach of confidence claim.

5. Count V: An Accounting

An accounting is a remedy ancillary to a contract claim; it is not an independent cause of action. See, e.g., Jefferson v. J.E. French Co., 54 Cal.2d 717, 719 (1960).

⁷ The Court is uncertain what type of claim the plaintiff intends to assert with her "abuse of power" claim.

Thus, the plaintiff can not plead an accounting cause of action.

6. Count VI: Money Had and Received

To state a cause of action for money had and received, the plaintiff must allege a contract, implied-in-fact contract, or quasi-contract basis for the claim. See, e.g., Kawasho Int'l. (U.S.A.), Inc. v. Lakewood Pipe Serv., Inc., 152 Cal.App.3d 785, 793 (1983). Here, there is no alleged contract between the defendants and the plaintiff, nor were there any federal funds received by the defendants pursuant to a contractual relationship with the plaintiff. Thus, this claims also fails.

7. Count VII: Conversion of "Intellectual Property" or Trade Secret Misappropriation

The Ninth Circuit applies a three-part test to determine whether a property right will support a claim for conversion under California law: (1) there must be an interest capable of precise definition; (2) it must be capable of exclusive possession or control; and (3) the putative owner must have established a legitimate claim to exclusivity. Kremen v. Cohen, 337 F.3d 1024, 1030 (9th Cir. 2003). As discussed above, the complaint does not define the plaintiff's alleged intellectual property or trade secret with the requisite specificity, nor does it allege any facts showing that the plaintiff had the exclusive right to possess or control that property. Thus, it fails to state a claim for conversion.

To state a cause of action for misappropriation of trade secrets, a plaintiff must plead the existence of a trade secret and describe the subject matter with sufficient

particularity. See, e.g., Cal. Civ. Code 3426.1(b); Whyte v. Schlage Lock Co., 101 Cal.App.4th 1443 (2002). It appears from the complaint that the plaintiff's "trade secret" is the "intellectual property" she has failed to describe with particularity. Therefore, the Court is inclined to find that she also failed to state a claim for misappropriation of a trade secret.

8. Count VIII: Unfair competition


To state a claim under California's Unfair Competition statute, California Business & Professions Code §§ 17200 et seq., a plaintiff must allege either that the defendant's activities harmed competition or that the defendant engaged in an "unlawful" business practice. Here, the plaintiff has failed to identify any injury to competition or unlawful business activity. Thus, Count VIII also fails.

9. Punitive Damages⁸

Conclusory allegations do not suffice for punitive damages claims; the plaintiff must allege the specific acts that meet the statutory threshold for oppression, fraud, or malice. See, e.g., G.D. Searle & Co. v. Superior Court, 49 Cal.App.3d 22, 29 (1975). Here, the plaintiff has failed to allege any specific fact that would show malice, oppression, or fraud on the part of the defendants. Accordingly, the plaintiff's claims for punitive damages must be dismissed.

C. Conclusion

⁸ The Court interprets the plaintiff's claims for "double damages" and "exemplary damages" as additional punitive damages claims.

For the foregoing reasons, the Court is inclined to find that, even if it construes the complaint in the light most favorable to the plaintiff, the complaint fails to state any claim upon which relief can be granted. Moreover, it appears that leave to amend any of the plaintiff's claims would be futile. Therefore, the Court is inclined to grant the defendants' motion and to dismiss the complaint with prejudice. 

IV. CONCLUSION

For the foregoing reasons, the Court is inclined to grant both motions to dismiss.

TO THE defendants;
PLEASE MAKE A NOTE
OF THIS ORDER.
12/20/2006

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

NOTICE OF DOCUMENT DISCREPANCIES

To: U.S. District Judge / U.S. Magistrate Judge DDP
From: Mel Zavala, Deputy Clerk Date Received: 12/12/06
Case No.: CV06-41010-DDP (Jcx) Case Title: Schwartz v. USA et al
Document Entitled: Plaintiff's Motion for Reconsidering

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- Local Rule 11-3.1 Document not legible
- Local Rule 11-3.8 Lacking name, address, phone and facsimile numbers
- Local Rule 11-4.1 No copy provided for judge
- Local Rule 19-1 Complaint/Petition includes more than ten (10) Does or fictitiously named parties
- Local Rule 15-1 Proposed amended pleading not under separate cover
- Local Rule 11-6 Memorandum/brief exceeds 25 pages
- Local Rule 11-8 Memorandum/brief exceeding 10 pages shall contain table of contents
- Local Rule 7.1-1 No Certification of Interested Parties and/or no copies
- Local Rule 6.1 Written notice of motion lacking or timeliness of notice incorrect
- Local Rule 56-1 Statement of uncontroverted facts and/or proposed judgment lacking
- Local Rule 56-2 Statement of genuine issues of material fact lacking
- Local Rule 7-19.1 Notice to other parties of ex parte application lacking
- Local Rule 16-6 Pretrial conference order not signed by all counsel
- FRCvP Rule 5(d) No proof of service attached to document(s)
- Other: CASE CLOSED

FILED
CLERK, U.S. DISTRICT COURT
FILED
DEC 15 2006
12-15-06
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

Note: Please refer to the court's Internet website at www.cacd.uscourts.gov for local rules and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date U.S. District Judge / U.S. Magistrate Judge

- The document is NOT to be filed, but instead REJECTED, and is ORDERED returned to *counsel. *Counsel shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

12-15-06
Date [Signature]
U.S. District Judge / U.S. Magistrate Judge

*The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

To: U.S. District Judge / U.S. Magistrate Judge DDP
From: Mel Zavala, Deputy Clerk Date Received: 12/15/06
Case No.: (V06-4010-DDP (7)(x)) Case Title: Nira Schwartz v. USA et al
Document Entitled: ~~#1~~ Plaintiff's Vacate / Remove the Reply & Declaration

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- Local Rule 11-3.1 Document not legible
- Local Rule 11-3.8 Lacking name, address, phone and facsimile numbers
- Local Rule 11-4.1 No copy provided for judge
- Local Rule 19-1 Complaint/Petition includes more than ten (10) Does or fictitiously named parties
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- Local Rule 7-19.1 Notice to other parties of ex parte application lacking
- Local Rule 16-6 Pretrial conference order not signed by all counsel
- FRCvP Rule 5(d) No proof of service attached to document(s)
- Other: case closed



Note: Please refer to the court's Internet website at www.cacd.uscourts.gov for local rules and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

document is NOT to be filed, but instead REJECTED, and is ORDERED returned to *counsel. *Counsel shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

Date

U.S. District Judge / U.S. Magistrate Judge

*The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

To: U.S. District Judge / U.S. Magistrate Judge DDP

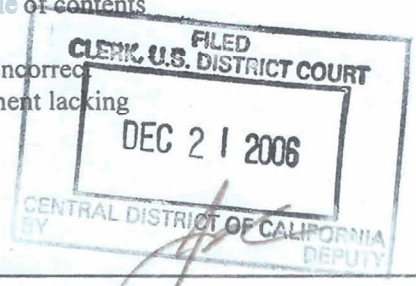
From: Mel Zuraba, Deputy Clerk Date Received: 12/19/06

Case No.: CV06-4010-DDP(JC(x)) Case Title: Nina Schwartz v. USA et al

Document Entitled: Plaintiff's Notice of Errata & Additions to her Motion for Reconsideration
Dated 12/11/06

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- Local Rule 11-3.1 Document not legible
- Local Rule 11-3.8 Lacking name, address, phone and facsimile numbers
- Local Rule 11-4.1 No copy provided for judge
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- Other: Case Closed



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ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received-but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date U.S. District Judge / U.S. Magistrate Judge

- The document is NOT to be filed, but instead REJECTED, and is ORDERED returned to *counsel. *Counsel shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

12-21-06
Date Shon D. Ferguson
U.S. District Judge / U.S. Magistrate Judge

*The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

