

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

**Joseph Emmanuel Jarvis, et al. v. Assa Abloy Global Solutions
Incorporated, et al.**

Jarvis · No. CV-25-08093-PCT-SMB · Decided March 9, 2026

OPINION

Jarvis

PER CURIAM.

1 WO 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Joseph Emmanuel Jarvis, et al., No. CV-25-08093-PCT-SMB 10 Plaintiffs, ORDER 11 v. 12
Assa Abloy Global Solutions Incorporated, et al., 13 Defendants. 14 15 The Court now considers
Plaintiffs’ Motion to Vacate its Voluntary Dismissal (Doc. 16 72); Defendants’ Motion for
Sanctions (Doc. 76); Plaintiffs’ Motion to Deny and Strike 17 Defendants’ Motion for Sanctions
(Doc. 77); Plaintiffs’ Request for Expedited Ruling on 18 its Motion to Vacate (Doc. 80); and
Plaintiff Joseph E. Jarvis’ Motion to Remove Plaintiff 19 Huiquin Du as a Plaintiff (Doc. 83) and
his Motion to Remand to State Court (Doc. 85). 20 For the following reasons, the Court denies
Plaintiffs’ Motion to Vacate its Voluntary 21 Dismissal (Doc. 72) and denies Defendants’ Motion
for Sanctions (Doc. 76). The 22 remaining motions are thus rendered moot.

23 I. BACKGROUND

24 On March 3, 2025, Plaintiffs Joseph E. Jarvis and Huiquin Du¹ filed a complaint 25 spanning
over 700 pages and 3,400 paragraphs in Mohave County Superior Court in 26 Arizona. (Doc. 1-1.)
On May 6, 2025, Defendants removed the case to this Court, asserting 27 1 Jarvis filed a Motion
to Dismiss Du as a plaintiff. (Doc. 83.) The disposition of this 28 Order renders this Motion moot.
However, Du is listed on the Complaint as a “potential plaintiff” and is a signatory on most of the
motions filed in this Court. (Doc. 1-1 at 22.) 1 that this Court had federal question jurisdiction.
(Doc. 1 at 2.) Defendants’ removal 2 spawned a flurry of activity, including Plaintiffs filing a
Motion to Remand (Doc. 13). 3 On June 1, 2025, Plaintiffs filed a Notice of Voluntary Dismissal
pursuant to Federal 4 Rule of Civil Procedure (“Rule”) 41(a)(1)(A)(i). (Doc. 46 at 1.) Rule 41(a)
(1)(A)(i) allows 5 plaintiffs to “dismiss an action without a court order by filing a notice of
dismissal before 6 the opposing party serves either an answer or a motion for summary judgment.”
7 Accordingly, the case was dismissed and thus rendered the then pending motions moot. 8 (Doc.
62 at 1.) 9 However, Plaintiffs continued filing documents with the Court. (Docs. 63, 64, 66, 10
67, 68.) The Court issued two Orders notifying Plaintiffs that no action would be taken on 11
those filings due to the voluntary dismissal. (Docs. 65, 69.) Plaintiffs appealed the second 12

Order (Doc. 70 at 1), but they voluntarily dismissed their appeal. (Doc. 73 at 1). 13 On July 31, 2025, Plaintiffs filed the present Motion to Vacate its Voluntary 14 Dismissal. (Doc. 72.) Plaintiffs argue that their voluntary dismissal should be vacated 15 pursuant to Rule 60(b)(1), (3), (4), and (6). (Id. at 1.) The Court now considers that 16 Motion.

17 II. MOTION TO VACATE

18 Rule 60(b) provides that “the court may relieve a party or its legal representative 19 from a final judgment, order, or proceeding.” “A Rule 41(a) voluntary dismissal without 20 prejudice qualifies as a final proceeding under Rule 60(b).” *Waetzig v. Halliburton Energy 21 Servs., Inc.*, 604 U.S. 305, 311–12 (2025) (citation modified). Plaintiffs seek vacatur of 22 their voluntary dismissal under Rule 60(b)(1), (3), (4), and (6). The Court considers each 23 basis for vacatur in turn. 24 A. Rule 60(b)(1)

25 Rule 60(b)(1) allows courts to vacate voluntary dismissals based on “mistake, 26 inadvertence, surprise, or excusable neglect.” Although Plaintiffs cite Rule 60(b)(1) as a 27 basis to vacate its voluntary dismissal, they do not argue that their voluntary dismissal was 28 the product of “mistake, inadvertence, surprise, or excusable neglect.” See *Segura v. City 1 of La Mesa*, 647 F. Supp. 3d 926, 934 (S.D. Cal. 2022) (“declining to sua sponte decide an 2 issue not specifically briefed” and noting that “it is not the Court’s role to make arguments 3 for any party” (citation modified)). That aside, Plaintiffs did not mistakenly file its Motion. 4 In a later filing, Plaintiffs clarified “that this case was in fact terminated by operation of 5 law on June 1, 2025, upon the filing of Plaintiffs’ notice of Voluntary Dismissal.” (Doc. 6 66 at 1.) Plaintiffs went on to remind the Court that their dismissal is “self-executing, 7 requires no court order, and immediately divests the court of jurisdiction.” (Id.) This is all 8 true. Accordingly, Plaintiffs were aware of the effect of their voluntary dismissal. The 9 Court thus finds that Rule 60(b)(1) does not provide a basis for vacatur. 10 B. Rule 60(b)(3)

11 Rule 60(b)(3) allows courts to vacate voluntary dismissals based on “fraud (whether 12 previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing 13 party.” “To prevail, the moving party must prove by clear and convincing evidence that 14 the verdict was obtained through fraud, misrepresentation, or other misconduct and the 15 conduct complained of prevented the losing party from fully and fairly presenting the 16 defense.” *Trendsettah USA, Inc. v. Swisher Int’l, Inc.*, 31 F.4th 1124, 1136 (9th Cir. 2022) 17 (citation modified). Plaintiffs do not argue that its decision to voluntarily dismiss their case 18 was the product of “fraud, misrepresentation, or other misconduct.” See *id.* Although 19 unclear, it appears that Plaintiffs instead argue that Defendants’ removal constituted a 20 misrepresentation because this Court lacked jurisdiction over Plaintiffs’ case. (Doc. 72 21 at 3–4.) This argument misses the mark. Plaintiffs do not argue that their dismissal was 22 the product of a misrepresentation; instead, Plaintiffs argue that their voluntary dismissal 23 was intended to combat Defendants’ alleged misrepresentation. The Court thus finds that 24 Rule 60(b)(3) does not provide a basis for vacatur.

25 C. Rule 60(b)(4)

26 Rule 60(b)(4) allows courts to relieve parties from a judgment when “the judgment
27 is void.” Plaintiffs argue that their own voluntary dismissal is a “void judgment” because 28
the Court lacked jurisdiction over the case due to it being improperly removed. (Doc. 72 1 at 9.)
The confusing nature of this argument aside, it is misguided.

2 Rule 60(b)(4) only applies to judgments that are “a legal nullity.” *United Student*

3 *Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 270 (2010). Additionally, Rule 60(b)(4) relief 4 for
jurisdictional defects is reserved “only for the exceptional case in which the court that 5 rendered
judgment lacked even an arguable basis for jurisdiction.” *Id.* at 271 (citation 6 modified)
(emphasis added). 7 To start, a voluntary dismissal is not a judgment rendered by the Court. 8
Additionally, Plaintiffs fail to cite any authority establishing that a voluntary dismissal 9 becomes
a legal nullity even assuming the Court lacked removal jurisdiction. Indeed, 10 plaintiffs have “the
absolute right to dismiss an action without prejudice provided that the 11 defendant has not yet
filed an answer or a motion for summary judgment.” See *Duke 12 Energy Trading & Mktg.,*
L.L.C. v. Davis, 267 F.3d 1042, 1048 (9th Cir. 2001) (emphasis 13 added). Plaintiffs fail to cite
any authority establishing that a litigant’s right under Rule 14 41(a) is contingent on the court
having removal jurisdiction. Thus, the Court thus finds 15 that Rule 60(b)(4) does not provide a
basis for vacatur. 16 D. Rule 60(b)(6)

17 Rule 60(b)(6) allows courts to vacate voluntary dismissals based on “any other
18 reason that justifies relief.” Again, although Plaintiffs cite Rule 60(b)(6) as a basis to 19 vacate
its voluntary dismissal, they fail to make any discrete arguments suggesting as 20 much. Thus,
Plaintiffs fall short of their burden under Rule 60(b)(6) as “movant[s] seeking 21 relief under Rule
60(b)(6) must show extraordinary circumstances justifying the reopening 22 of a final judgment.”
Henson v. Fid. Nat’l Fin., Inc., 943 F.3d 434, 444 (9th Cir. 2019) 23 (citation modified). Plaintiffs
fail to demonstrate any extraordinary circumstances 24 justifying vacatur. Thus, the Court thus
finds that Rule 60(b)(6) does not provide a basis 25 for vacatur. 26 E. Miscellaneous Arguments
27 The Court briefly addresses Plaintiffs’ underlying assumption that this Court lacked 28 removal
jurisdiction. While this may be true, it is an argument better suited for a motion 1 for remand.
While Plaintiffs filed a Motion to Remand (Doc. 13), it appears Plaintiffs 2 abandoned their
Motion on the mistaken assumption that it could file a voluntary dismissal 3 to the same effect.
Indeed, Plaintiffs argue that they voluntarily dismissed their case “with 4 a clear reservation of
rights—explicitly stating that all rights were preserved to return to 5 state court.” (Doc. 72 at 6.)
Plaintiffs’ ipse dixit reservation of rights does not provide a 6 legitimate basis for this Court to
remand their case back to State Court. And as noted, 7 Plaintiffs were well aware of the effect of a
voluntary dismissal. Accordingly, the Court 8 denies Plaintiffs Motion to Vacate its Voluntary
Dismissal (Doc. 72).

9 III. MOTION FOR SANCTIONS

10 The Court turns next to Defendants’ Motion for Sanctions (Doc. 76). Defendants’ 11 Motion is

based on Plaintiff Jarvis' conduct in this case and in previous cases filed in State 12 and Federal Court. (Id. at 2.) Defendants "ask the Court to impose sanctions on Plaintiffs 13 for their frivolous filing by imposing a vexatious litigant order or in the alternative impose 14 a standing order that Defendants shall not be required to respond to Plaintiffs' future filings 15 unless ordered by the Court to respond." (Id. at 9.) Defendants further request that the 16 Court award Defendants their attorneys' fees in having to respond to Plaintiffs' frivolous 17 motions. (Id.) 18 A. Vexatious Litigant 19 The Court begins with Defendants' request for a vexatious litigant order. "Federal 20 courts can regulate the activities of abusive litigants by imposing carefully tailored 21 restrictions under appropriate circumstances." *Ringgold-Lockhart v. County of Los Angeles*, 761 F.3d 1057, 1061 (9th Cir. 2014) (citation modified). "Enjoining litigants with 23 abusive and lengthy litigation histories is one such restriction that courts may impose." Id. 24 (citation modified). "Restricting access to the courts is, however, a serious matter. The 25 right of access to the courts is a fundamental right protected by the Constitution." Id. 26 (citation modified). 27 "Out of regard for the constitutional underpinnings of the right to court access, 28 pre-filing orders should rarely be filed, and only if courts comply with certain procedural 1 and substantive requirements." Id. at 1062 (citation modified). Thus, vexatious litigant 2 orders can only be entered if the Court:

(1) give[s] litigants notice and an opportunity to oppose the order before it is

3 entered; (2) compile[s] an adequate record for appellate review, including a 4 listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed; (3) make[s] substantive findings of 5 frivolousness or harassment; and (4) tailor[s] the order narrowly so as to 6 closely fit the specific vice encountered.

7 Id. at 1062 (citation modified).

8 Ultimately, the Court will not dub Plaintiffs vexatious litigants because their actions 9 do not rise to the level of being "frivolous" or "harassing"—terms which take on a 10 particular meaning in this context. "To determine whether the litigation is frivolous, 11 district courts must look at both the number and content of the filings as indicia of the 12 frivolousness of the litigant's claims." Id. at 1064 (citation modified). While the Ninth 13 Circuit has "not established a numerical definition for frivolousness," it has noted "that 14 even if a litigant's petition is frivolous, [courts] must make a finding that the number of 15 complaints was inordinate." Id. (citation modified). Courts have found an "inordinate" 16 number of filings to include anywhere from fifty frivolous cases to thirty-five actions filed 17 in thirty jurisdictions. See id. at 1065 (citing cases). Ultimately, Defendants point to 18 Plaintiffs' conduct in this case, a previous case Plaintiffs filed in this District alleging 19 similar claims against similar defendants, and three other unrelated lawsuits—two of which 20 were also in this District. (Doc. 76 at 4–5.) The Court finds that Plaintiffs' conduct has 21 not yet risen to the level of "frivolous." 22 "As an alternative to frivolousness, the district court may make an alternative 23 finding that the litigant's filings show a pattern of harassment." *Ringgold*, 761 F.3d 24 at 1064. "Courts must be careful not to conclude that particular types of actions filed 25 repetitiously are harassing and must instead discern

whether the filing of several similar 26 types of actions constitutes an intent to harass the defendant or the court.” Id. (citation 27 modified). While Plaintiffs’ behavior is trending towards harassment, the Court is not yet 28 convinced that Plaintiffs intended to harass Defendants or the Court; at least not in the 1 capacity necessary to be dubbed vexatious litigants. 2 Ultimately, this is a case in which “other, less restrictive options,” short of a 3 vexatious litigant designation, is “adequate to protect the court and parties.” Id. at 1064. 4 As noted, Defendants have requested that this Court “impose a standing order that 5 Defendants shall not be required to respond to Plaintiffs’ future filings unless ordered by 6 the Court to respond.” (Doc. 76 at 9.) The Court will grant that request. 7 B. Attorneys’ Fees 8 Defendants, seek the attorneys’ fees they incurred “in having to respond to 9 Plaintiffs’ frivolous motions.” 2 (Doc. 76 at 9.) “Federal courts possess certain ‘inherent 10 powers,’ not conferred by rule or statute, to manage their own affairs so as to achieve the 11 orderly and expeditious disposition of cases.” *Am. Unites for Kids v. Rousseau*, 985 F.3d 12 1075, 1088 (9th Cir. 2021) (citation modified) (quoting *Goodyear Tire & Rubber Co. v. 13 Haeger*, 581 U.S. 101, 107 (2017)). “That authority includes the ability to fashion an 14 appropriate sanction for conduct which abuses the judicial process.” Id. (citation modified) 15 (quoting *Goodyear*, 581 U.S. at 107). As relevant here, a district court may award 16 attorneys’ fees “when a party has acted in bad faith, vexatiously, wantonly, or for 17 oppressive reasons.” Id. at 1090. The Court, in its discretion, will not award attorneys’ 18 fees against Plaintiff. However, the Court admonishes Plaintiff for his conduct in this case 19 which borders on the edge of bad faith. 20 At bottom, Plaintiffs engaged in a pattern of behavior that serves no legitimate 21 purpose and directly contravenes this Court’s orders. It is clear that Plaintiffs believe their 22 case should have been tried in State Court. It is equally clear that Plaintiffs were not 23 satisfied with the pace of the Federal Judiciary. However, that does not give Plaintiffs 24 license to ignore this Court’s orders and attempt to willfully misuse legal procedures to 25 2 The Court will not address Plaintiffs’ arguments pertaining to Rule 11 as Defendants do not request sanctions pursuant to Rule 11. The Court also notes that Plaintiffs’ make these 26 arguments in a so-called Motion to Strike pursuant to Rule 12(f). (Doc. 77at 3.) However, “[m]otions to strike under Rule 12(f) are directed to pleadings only” and are “not available 27 to strike material contained in motions and other briefs.” *Goodwin v. AT&T*, No. 2:23-CV-01950-GMN-DJA, 2024 WL 2866895, at *1 (D. Nev. June 6, 2024). This is 28 grounds to have the Motion stricken, see id. at 2, but the Court will treat the Motion as a responsive brief. 1 achieve their desired outcome. The Court provides an overview of Plaintiffs’ conduct thus 2 far. 3 On May 8, 2025, Plaintiffs filed its First Motion to Remand that included a request 4 for an expedited ruling (Doc. 13). On May 14, the Court issued an Order notifying 5 Plaintiffs that it would rule on the Motion in the normal course of business (Doc. 25 at 1). 6 On May 20, Plaintiffs filed it Second Motion to Remand (Doc. 30). On May 23, Plaintiffs 7 filed a Motion again seeking an expedited ruling on its First Motion to Remand (Doc. 36). 8 The Court notes that the First Motion to Remand had only been fully briefed since May 21, 9 two days before Plaintiffs’ renewed request for an expedited ruling. It appears that 10 Plaintiffs

misconstrued this Court's intention to rule on the Motion to Remand in due course to mean that it would rule on the motion "within one day of receiving responses to the motions." (Doc. 36 at 1.) It is unclear why Plaintiffs were under that impression. Then, on May 29, Plaintiffs filed a "Demand for Immediate Ruling on Motion to Remand" (Doc. 40). On May 30, Plaintiffs filed multiple documents similarly demanding an expedited ruling on their First Motion to Remand. (Docs. 44, 45.) Then, on June 1, Plaintiffs dismissed their case on the mistaken assumption that their voluntary dismissal compelled the Court to remand their case. (Doc. 46 at 2.) The Court notes that less than one month elapsed between Plaintiffs filing their First Motion to Remand and their Voluntary Dismissal. Between that time, Plaintiffs filed a myriad of other filings besides those mentioned above, most of which either requested remand or requested this court to consider the remand request on an expedited basis. Many of these filings were filed after Plaintiffs dismissed their case, including a Third Motion to Remand (Doc. 57). On June 11, the Court issued an Order recognizing Plaintiffs' voluntary dismissal, and ordered the case terminated. (Doc. 62 at 11.) Plaintiffs persisted in filing more documents with the Court which included yet another request for this Court to remand the case. (Doc. 63.) The Court issued another Order notifying Plaintiffs that the case was terminated according to their voluntary dismissal and that no further action would be taken on the matter. (Doc. 65.) Plaintiffs then filed their Fourth Motion to Remand (Doc. 67) and an Objection to this Court's second Order notifying Plaintiffs that their case was terminated (Doc. 66). Plaintiffs, in their Objection, went so far as to "clarify that this case was in fact terminated by operation of law on June 1, 2025, upon the filing of Plaintiffs' Notice of Voluntary Dismissal." (Doc. 67 at 1.) Plaintiffs also took it upon themselves to remind the Court that their voluntary dismissal "is self-executing, requires no court order, and immediately divests the court of jurisdiction." (Id.) Ironically, by this point, the Court had issued two Orders recognizing that Plaintiffs' case was terminated by operation of their dismissal. However, Plaintiffs' Objection prompted this Court to enter a third Order in which the Court provided that "[u]pon Notice of Voluntary Dismissal, this Court lost jurisdiction and may not address the merits of claims nor issue further orders pertaining to them." (Doc. 69 at 1.) Plaintiffs appealed this third Order, (Doc. 70.), but dismissed their appeal (Doc. 73). At bottom, Plaintiffs submitted multiple duplicative filings requesting their case to be remanded, many of which were filled with caustic language, openly admonishing this Court, Defendants, and opposing counsel. These filings culminated in Plaintiffs' present Motion to Vacate its Voluntary Dismissal. (Doc. 72). However, Plaintiffs' Motion is really yet another thinly disguised motion to remand. The Court is sympathetic to Plaintiffs' desire to have their matter handled promptly. However, this desire does not justify the serial filing of duplicative documents in defiance of this Court's orders. Although Plaintiffs insist that the Court lacked removal jurisdiction, Plaintiffs' conduct remains inappropriate. The Court draws particular attention to Plaintiffs' Motion to Vacate. As discussed, Plaintiffs' Motion is really yet another motion to remand. Plaintiffs openly admonish the Court for failing to remand

the case and claims that it committed “clear legal error.” (Doc. 24 72 at 6.) However, a motion to vacate a voluntary dismissal is an inappropriate vehicle to 25 challenge removal jurisdiction. Additionally, Plaintiffs’ Motion does not meaningfully 26 attempt to argue that dismissal is subject to vacatur under Rule 60(b). At bottom, Plaintiffs 27 Motion is another example of Plaintiffs deliberately ignoring this Court’s orders without 28 any cognizable legal basis to do so. Thus, Plaintiffs’ litigation conduct is quintessentially 1 || obdurate. 2 In light of the foregoing, the Court admonishes Plaintiffs for their conduct. This 3 || case thus remains terminated, which precludes Plaintiffs from filing any additional motions 4|| in this case. In the event Plaintiffs ignore this instruction, Defendants are not required to || respond to these motions unless this Court orders them to do so. The Court reminds || Plaintiffs that future filings may warrant the imposition of financial sanctions. 7 Accordingly, Plaintiffs’ Motion to Deny and Strike Defendants’ Motion for 8 || Sanctions (Doc. 77), Plaintiffs’ Request for Expedited Ruling on its Motion to Vacate 9|| (Doc. 80), Plaintiff Joseph E. Jarvis’ Motion to Remove Huiquin Du as a Plaintiff (Doc. 83), and his Motion to Remand to State Court (Doc. 85) are rendered moot.

IV. CONCLUSION

12 Accordingly, 13 IT IS HEREBY ORDERED denying Plaintiffs’ Motion to Vacate its Voluntary 14|| Dismissal (Doc. 72). 15 IT IS FURTHER ORDERED denying Defendants’ Motion for Sanctions (Doc. 76). 17 IT IS FURTHER ORDERED denying the following Motions as moot: 18 e Plaintiff’s Motion to Deny and Strike Defendants’ Motion for Sanctions (Doc. 77) 19 e Notice that Motions are Fully Briefed and Request for Ruling (Doc. 80) 20 e Motion to Correct the Record Regarding Non-Party Status of Huigin Du (Doc. 83) 21 e Motion for Status Conference/Request for Ruling (Doc. 85) 22 IT IS FURTHER ORDERED that Defendants are not required to respond to any 23 || future filings in this case unless ordered by the Court to respond. 24 Dated this 9th day of March, 2026. 25 —__ . ~P 26 SO 28 -10-