

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Sergey Firsov v. Scandinavian Airlines System Denmark-Norway-Sweden

Firsov v. Scandinavian Airlines System Denmark-Norway-Sweden, No. 25-cv-03691-EMC, Docket No. 61 (N.D. Cal. Dec. 7, 2025) · No. 25-cv-03691-EMC; Docket No. 61 · Decided December 7, 2025

SUMMARY

The United States District Court for the Northern District of California denied Sergey Firsov’s motion to reconsider an earlier order concerning sanctions, a motion to strike, service costs, and a motion to dismiss. The court held that Firsov failed to satisfy the procedural and substantive standards for reconsideration and upheld sanctions based on his continued assertion that the defendant had exceeded the applicable page limit.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 7, 2025
DOCKET	25-cv-03691-EMC; Docket No. 61
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of an interlocutory order that denied sanctions, denied a motion to strike the defendant's motion to dismiss, denied recovery of service costs, and imposed sanctions on plaintiff. The court denied reconsideration.
STANDARD OF REVIEW	A motion to reconsider an interlocutory order requires leave under Civil Local Rule 7-9 and a showing of one of the rule's specified grounds, including a manifest failure to consider material facts or dispositive legal arguments previously presented.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential except as permitted by applicable rules.

TOPICS

- motion for reconsideration
- sanctions
- civil procedure
- motions to dismiss
- class actions

PRACTICE AREAS

Civil procedure

Federal litigation

Sanctions

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to leave to file a motion for reconsideration under Civil Local Rule 7-9.
2. Whether the court should reconsider its prior rulings concerning the page limit of defendant's motion to dismiss, sanctions against plaintiff, the procedural propriety of requesting sanctions in opposition briefs, and recovery of service costs.
3. Whether plaintiff could pursue a proposed class action or represent other persons while proceeding pro se.

HOLDINGS

1. Plaintiff was not entitled to leave to file the motion for reconsideration because he failed to comply with the procedural requirement to request leave and failed to demonstrate a basis for reconsideration under Civil Local Rule 7-9.
2. The court declined to reconsider its sanctions ruling because plaintiff continued to assert that defendant had filed an excessive-page motion despite the prior order resolving that issue, and the court found plaintiff had acted in bad faith.
3. A pro se litigant may not represent anyone other than himself.

KEY QUOTATIONS

“Mr. Firsov is required to comply with the rules of Court, even if he is proceeding pro se.” (at 1)

“In short, the Court acted within its discretion to sanction Mr. Firsov because he continued to assert that SANA had filed excess pages without permission, even though that position was no longer supported by Judge Freeman.” (at 2)

“Although a non-attorney may appear in propria persona in his own behalf, that privilege is personal to him. He has no authority to appear as an attorney for others than himself.” (at 3)

FACTUAL BACKGROUND

Plaintiff challenged the length of the defendant's motion to dismiss and maintained that his motion to strike was filed before he learned of an order addressing the page-limit issue. The court found that the relevant filings did not exceed the applicable page limit and that plaintiff had access to, or should have addressed, the prior order before continuing to pursue the motion to strike. The court also found plaintiff's explanation for not receiving the prior order not credible and concluded that continuing to assert the page-limit position was bad faith warranting sanctions.

PROCEDURAL HISTORY

The court previously denied plaintiff's motions and imposed sanctions after finding that plaintiff's motion to strike was filed in bad faith. Plaintiff then sought reconsideration. The court first determined that plaintiff should

have sought leave under the court's local rules and failed to satisfy the standard for leave; it also considered and rejected plaintiff's arguments on the merits.

DISPOSITION

other

CASES CITED

- Firsov v. United Airlines, Inc., No. 25-3784 BLF (Docket No. 40)
- C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697 (9th Cir. 1987)

OPINION

Firsov

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 SERGEY FIRSOV, Case No. 25-cv-03691-EMC 8 Plaintiff,

ORDER DENYING PLAINTIFF’S

9 v. MOTION TO RECONSIDER

10 SCANDINAVIAN AIRLINES SYSTEM

DENMARK-NORWAY-SWEDEN, Docket No. 61 11 Defendant. 12 13 14 Currently pending before the Court is Mr. Firsov’s motion in which he asks the Court to 15 reconsider its order at Docket No. 58. In that order, the Court denied Mr. Firsov’s motion for 16 sanctions, denied his motion to strike SANA’s motion to dismiss, denied his request to recover the 17 cost of service, and issued sanctions against him because his motion to strike was filed in bad 18 faith. Mr. Firsov’s motion to reconsider is hereby DENIED. 19 As an initial matter, Mr. Firsov should have asked for leave to file a motion for 20 reconsideration. The Court has previously informed him of this procedural requirement, as has 21 Judge Westmore. See Docket No. 37 (order); Docket No. 10 (order issued by Judge Westmore). 22 Mr. Firsov is required to comply with the rules of Court, even if he is proceeding pro se. 23 Second, Mr. Firsov failed to demonstrate that he should be given leave to file a motion to 24 reconsider under the standard laid out in Civil Local Rule 7-9. He has not shown, e.g., “[a] 25 manifest failure by the Court to consider material facts or dispositive legal arguments which were 26 presented to the Court before such interlocutory order.” Civ. L.R. 7-9(b)(3). 27 Third, even if the Court were to consider the motion to reconsider on the merits, it would 1 • Mr. Firsov asserts once again that SANA’s motion to dismiss exceeded 25 pages. 2 It did not. The table of contents, the table of authorities, the proof of service, and 3 the proposed order do not count toward the page limit, nor do the declarations. 4 • Mr. Firsov contests the Court’s issuance of sanctions against him. He claims that, 5 although his motion to strike

(claiming SANA had filed excess pages) was received 6 by the Court on October 14, 2025, he mailed it on October 8, 2025. There is record 7 evidence to support Mr. Firsov's assertion. See Docket No. 44-2 (envelope). That 8 being said, Mr. Firsov ignores the fact that Judge Freeman's order was still filed on

9 October 7, 2025, see *Firsov v. United Airlines, Inc.*, No. 25-3784 BLF (Docket No.

10 40), and Mr. Firsov is an e-filer in that case. Thus, he received Judge Freeman's 11 order a day before he mailed his motion to strike. The Court acknowledges Mr. 12 Firsov's contention that he did not actually receive Judge Freeman's order until a 13 week after he mailed his motion to strike, see Mot. at 2, 5 (declaring that all 14 statements in the motion are true and accurate), but that contention is not credible. 15 There is nothing to support Mr. Firsov's declaration. Moreover, Mr. Firsov did not 16 withdraw his motion to strike after he allegedly received Judge Freeman's order on 17 or about October 15, 2025. Nor did he withdraw his motion to strike after SANA 18 explicitly referenced Judge Freeman's order in its opposition brief filed on October 19 28, 2025. Finally, when Mr. Firsov filed his reply brief in support of his motion to 20 strike on November 3, 2025, he still failed to acknowledge or address Judge 21 Freeman's order. In short, the Court acted within its discretion to sanction Mr. 22 Firsov because he continued to assert that SANA had filed excess pages without 23 permission, even though that position was no longer supported by Judge Freeman. 24 Mr. Firsov has acted in bad faith. 25 • Mr. Firsov argues that it was procedurally improper for SANA/SAS to ask for 26 sanctions in its opposition briefs. While this argument is not entirely lacking in 27 merit, Mr. Firsov has not been prejudiced as a result. He was able to address the 1 motion to strike). Moreover, he has aired out additional arguments in the pending 2 motion which the Court has considered. 3 e Mr. Firsov questions how a specially appearing party (SANA) can be awarded 4 sanctions, but he ignores that he was moving to strike SANA's motion to dismiss. 5 e Mr. Firsov suggests that the Court should have sanctioned the defense attorneys, 6 and not him. He argues that it would have been cheaper for SANA/SAS to settle 7 the case instead of litigate it. But that is a choice for SANA/SAS to make; it is not 8 acting in bad faith because it believes that Mr. Firsov's suit lacks merit. 9 Furthermore, none of this suggests that the defense attorneys should be sanctioned. 10 e Mr. Firsov asserts that he will amend this lawsuit to be a class action seeking 11 refunds of all flights SANA/SAS has made to California because the company is 12 not registered to do business in California. This is outside the scope of the motions 13 at issue. Mr. Firsov is free to litigate as he chooses, although he is subject to, e.g., 14 Federal Rule of Civil Procedure 11 as well as other federal law that requires parties 15 to litigate in good faith. Mr. Firsov is advised that, as a pro se litigant, he has no 16 authority to represent anyone but himself. See *CLE. Pope Equity Tr. v. United 3 17 States*, 818 F.2d 696, 697 (9th Cir. 1987) ("Although a non-attorney may appear in S 18 propria persona in his own behalf, that privilege is personal to him. He has no 19 authority to appear as an attorney for others than himself."). 20 This order disposes of Docket No. 61. 21 22 IT IS SO ORDERED. 23 24 Dated: December 7, 2025 26 E . 27 United States District Judge 28

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