

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Laurence J. Graham, et al. v. Dupont de Nemours, Inc., et al.

Graham v. DuPont · No. 2:25-cv-06135-FLA (SKx) · Decided January 6, 2026

SUMMARY

The United States District Court for the Central District of California dismissed the action without leave to amend as duplicative of prior litigation, dismissing claims against Titanium Metals Corporation with prejudice. The court denied as moot the defendants’ motions to dismiss and the plaintiffs’ motions for extension and remand, denied the plaintiffs’ ex parte applications, and granted defendants’ motion for sanctions. The court ordered defendants to submit a request for attorney’s fees and costs and ordered the plaintiffs to show cause why they should not be declared vexatious litigants.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando L. Aenlle-Rocha
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 6, 2026
DOCKET	2:25-cv-06135-FLA (SKx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed suit in Los Angeles County Superior Court; defendants removed the action to the Central District of California. The court considered multiple motions to dismiss, a motion to remand, ex parte remand and sanctions applications, and defendants' sanctions motion.
STANDARD OF REVIEW	Abuse of discretion for dismissal of duplicative litigation and sanctions-related discretionary determinations; the court applied the legal standards governing ex parte relief, Rule 11 sanctions, and 28 U.S.C. § 1927.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- civil procedure
- motions to dismiss
- sanctions
- commercial litigation
- minerals

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court could dismiss the later-filed action as duplicative of substantially similar litigation pending or previously filed in other federal courts.
2. Whether plaintiffs' claims against Titanium Metals Corporation should be dismissed with prejudice based on a prior judgment in its favor.
3. Whether plaintiffs' ex parte applications for remand and sanctions should be denied for failure to establish the requirements for ex parte relief.
4. Whether defendants were entitled to sanctions under the court's inherent authority and 28 U.S.C. § 1927 based on plaintiffs' repeated duplicative filings and abuse of the ex parte process.
5. Whether plaintiffs should be ordered to show cause why they should not be declared vexatious litigants.

HOLDINGS

1. A federal district court may exercise its discretion to dismiss a later-filed action when it substantially duplicates prior litigation involving similar claims, parties, facts, and requested relief. Because this action asserted the same claims against largely the same defendants and added no new claims or cognizable facts, dismissal without leave to amend was warranted.
2. Plaintiffs' claims against Titanium Metals Corporation were dismissed with prejudice because those claims had already been resolved in Titanium Metals Corporation's favor in the First Northern District Action.
3. Ex parte relief requires evidence of irreparable prejudice if the matter is heard through ordinary noticed procedures and a showing that the moving party was without fault in creating the crisis or that the crisis resulted from excusable neglect. Plaintiffs' alleged stress, aggravation, expense, delay, and age-related concerns did not satisfy that standard.
4. Sanctions were appropriate under the court's inherent authority and 28 U.S.C. § 1927 because plaintiffs acted with subjective bad faith by repeatedly filing unjustified ex parte applications and duplicative, meritless complaints, thereby unnecessarily multiplying proceedings and increasing defendants' costs.

KEY QUOTATIONS

“For the reasons stated herein, the court DISMISSES this action without leave to amend, as this action is duplicative of previous litigation in other federal courts.” (3)

“Accordingly, the court exercises its discretion and DISMISSES this action as duplicative of the First Central District and First Northern District Actions without leave to amend.” (4)

“The court finds sanctions against Plaintiffs are appropriate at this time.” (10)

FACTUAL BACKGROUND

Plaintiffs Laurence J. Graham and Betty Patrick Graham asserted claims concerning alleged price-fixing and royalties under ten Virginia mining leases entered into in the late 1980s and early 1990s. They sought rescission, relief under California Civil Code § 1692, and more than \$22 billion in damages. The same or substantially similar claims were filed in at least five actions involving largely the same defendants, including prior federal actions that had been dismissed. The court found that the present action added no new claims or cognizable facts and that plaintiffs had repeatedly filed meritless ex parte applications and duplicative complaints.

PROCEDURAL HISTORY

Plaintiffs filed the complaint in state court on June 2, 2025, and defendants removed it on July 7, 2025. Plaintiffs had previously filed substantially identical actions in the Northern District of California, the Central District of California, and Los Angeles County Superior Court, and later filed another action in Alameda County that was removed to the Northern District. The court dismissed the present action as duplicative, dismissed claims against Titanium Metals Corporation with prejudice based on a prior judgment, denied the remaining motions and applications, granted defendants' sanctions motion, and ordered plaintiffs to show cause why they should not be declared vexatious litigants.

DISPOSITION

dismissed

CASES CITED

- Slack v. McDaniel, 529 U.S. 473, 478 (2000)
- Pacesetter Sys., Inc. v. Medtronic, Inc., 678 F.2d 93, 95 (9th Cir. 1982)
- Nakash v. Marciano, 882 F.2d 1411, 1416 (9th Cir. 1989)
- Adams v. Cal. Dep't of Health Servs., 487 F.3d 684, 688 (9th Cir. 2007)
- Alltrade, Inc. v. Uniweld Prods., Inc., 946 F.2d 622, 624 (9th Cir. 1991)
- Kehano v. Hawaii, 202 F. App'x 208, 209 (9th Cir. 2006)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Sylvia Landfield Tr. v. City of Los Angeles, 729 F.3d 1189, 1196 (9th Cir. 2013)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Mission Power Eng'g Co. v. Cont'l Cas. Co., 883 F. Supp. 488, 490-92 (C.D. Cal. 1995)
- Pac. Harbor Cap., Inc. v. Carnival Air Lines, Inc., 210 F.3d 1112, 1117 (9th Cir. 2000)
- Wages v. I.R.S., 915 F.2d 1230, 1235-36 (9th Cir. 1990)
- New Alaska Dev. Corp. v. Guetschow, 869 F.2d 1298, 1306 (9th Cir. 1989)
- Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393 (1990)
- Est. of Blue v. Cnty. of Los Angeles, 120 F.3d 982, 985 (9th Cir. 1997)
- Golden Eagle Distrib. Corp. v. Burroughs Corp., 801 F.2d 1531, 1536 (9th Cir. 1986)
- Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1177 (9th Cir. 1996)

- Hudson v. Moore Bus. Forms, Inc., 836 F.2d 1156, 1163 (9th Cir. 1987)
- Williams v. Laimana, Case No. 8:20-cv-0110-DOC (ADS), 2020 WL 8262400, at *2 (C.D. Cal. Dec. 22, 2020)
- Van Gerwen v. Guarantee Mut. Life Co., 214 F.3d 1041, 1045 (9th Cir. 2000)

OPINION

1 JS-6 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 LAURENCE J. GRAHAM, et al., Case No. 2:25-cv-06135-FLA (SKx) 12
Plaintiffs, ORDER DISMISSING ACTION; 13 v. DENYING AS MOOT DEFENDANTS’
MOTIONS TO 14 DISMISS [DKTS. 15, 19, 23, 24, 26, 28, DUPONT DE NEMOURS, INC., et
al., 30, 34, 41, 51, 149, 170, 184], 15 Defendants. PLAINTIFFS’ MOTION FOR 16 EXTENSION
[DKT.

49], AND PLAINTIFFS’ MOTION TO 17 REMAND [DKT. 69]; DENYING 18 PLAINTIFFS’
EX PARTE APPLICATIONS TO REMAND 19 [DKTS. 191, 205] AND FOR SANCTIONS
[DKT. 200]; 20 GRANTING DEFENDANTS ILUKA 21 RESOURCES, INC. AND ILUKA
RESOURCES (TN) LLC’S MOTION 22 FOR SANCTIONS [DKT. 165]; AND 23 ORDER TO
SHOW CAUSE WHY PLAINTIFFS SHOULD NOT BE 24 DEEMED VEXATIOUS
LITIGANTS 25 26 27 28 1 RULING 2 Before the court are Defendants’ 1 thirteen motions to
dismiss (“Motions to 3 Dismiss”).

Dkts. 15, 19, 23, 24, 26, 28, 30, 34, 41, 51, 149, 170, and 184. Plaintiffs 4 Laurence J. Graham
(“Laurence Graham”) and Betty Patrick Graham (“Betty 5 Graham” and, with Laurence Graham,
“Plaintiffs”) filed a motion for extension of 6 time to oppose several of the Motions to Dismiss
(Dkt. 49, “Motion for Extension”). 7 Dkt. 49. Also before the court are Plaintiffs’ motion to
remand this action to the Los 8 Angeles County Superior Court (Dkt.

69, “Motion to Remand”), ex parte applications 9 to remand (Dkt. 191, the “First Remand
Application,” and Dkt. 205, the “Second 10 Remand Application” and, together, the “Remand
Applications”), and an ex parte 11 application for sanctions against the Iluka Defendants (Dkt.
200, the “Sanctions 12 Application” and, with the Remand Applications, the “Applications”).

Dkts. 191 13 (“First Remand Appl.”), 200 (“Sanctions Appl.”), 205 (“Second Remand Appl.”). 14
Finally, also before the court is the Iluka Defendants’ motion for sanctions (Dkt. 165, 15
“Sanctions Motion”), which is joined by the DuPont De Nemours Defendants (Dkt. 16 173) and
Ineos Pigments USA Inc. (Dkt. 179; the court henceforth referring to Ineos 17 Pigments USA, the
Iluka Defendants, and the DuPont De Nemours Defendants as the 18 19 1 Defendants in this
action are: DuPont De Nemours, Inc., The Dow Chemical 20 Company, Corteva, Inc., and The
Chemours Company (collectively, the “DuPont De 21 Nemours Defendants”); Dow, Inc.;
Occidental Petroleum Corporation; Iluka Resources Inc. and Iluka Resources (TN) LLC (together,

the “Iluka Defendants”); 22 Iluka Resources Limited; Tronox, LLC; Tronox Limited; Tronox Holdings PLC; 23 Huntsman Corporation; Kronos (US), Inc.; Kronos Worldwide, Inc.; National Industrialization Company; Venator Materials, LLC; Venator Materials, PLC; Ineos 24 Group Limited; Titanium Metals Corporation; Precision Castparts Corp.; Ineos 25 Pigments USA Inc.; Ineos Enterprises US Holdco LLC; Kinder Morgan, Inc.; Hunton Andrews Kurth, LLP; Hunton & Williams; Hunton & Williams LLP; JM Eagle; J-M 26 Manufacturing Company, Inc.; Berkshire Hathaway Inc.; Charles O. Holliday, Jr. 27 (“Holliday”); Kenneth Reed Mayo (“Mayo”); Reed Mayo Law Firm, P.C.; Sam Alexander (“Alexander”); and Frederick L. Pirkle (“Pirkle”) (collectively, 28 “Defendants”).

Dkt. 1-2 at 8–9. 1 “Moving Defendants”). Dkt. 165 (“Mot.”). 2 For the reasons stated herein, the court DISMISSES this action without leave to 3 amend, as this action is duplicative of previous litigation in other federal courts.

The 4 court DISMISSES this action with prejudice as to Titanium Metals Corporation. The 5 court DENIES as moot Defendants’ Motions to Dismiss and Plaintiffs’ Motion for 6 Extension and Motion to Remand. The court DENIES Plaintiffs’ Applications.

The 7 court GRANTS the Moving Defendants’ Sanctions Motion, and ORDERS the Moving 8 Defendants to file their request for attorney’s fees and costs, including evidence, a 9 detailed quantification, and any additional points and authorities, within thirty (30) 10 days from the date of this Order. Plaintiffs may respond to the Moving Defendants’ 11 request for attorney’s fees and costs no later than thirty (30) days upon service of 12 Defendants’ request.

No reply shall be filed. Finally, Plaintiffs are ORDERED to 13 Show Cause in writing, within thirty (30) days from the date of this Order, why they 14 should not be declared vexatious litigants under Local Rule 83-8.4. 15 BACKGROUND 16 Plaintiffs Laurence J. Graham (“Laurence Graham”) and Betty Patrick Graham 17 (“Betty Graham” and, with Laurence Graham, “Plaintiffs”) have brought the 18 duplicative claims asserted in this action (Case No. 2:25-cv-06135-FLA (SKx), the 19 “Second Central District Action”) on at least five occasions (collectively, the 20 “Actions”).

See Dkt. 1-2 (“FAC”); 2 Graham v. DuPont De Nemours, Inc., Case No. 21 3:24-cv-01551-RFL (N.D. Cal.) (“First Northern District Action”); Graham v. DuPont 22 De Nemours, Inc., Case No. 2:24-cv-09444-FLA (SKx) (C.D. Cal.) (the “First Central 23 District Action”); Graham v. DuPont de Nemours, Inc., Case No. 25SMCV03122 24 (Los Angeles County Superior Court) (the “Los Angeles Action”); Graham v. DuPont 25 de Nemours, Inc., Case No. 3:25-cv-06296-RFL (N.D.

Cal.) (the “Second Northern 26 District Action”). 27 28 2 Of the five Actions, this action was filed third in order. 1 All five actions concern the same claims against the same core Defendants.3 2

Compare FAC, with First Northern District Action, Dkt. 1 at 9–47,4 and First Central 3 District Action, Dkt. 1-1.

In each action, Plaintiffs allege Defendants engaged in a 4 price-fixing conspiracy to deprive Plaintiffs of fair and equitable consideration under 5 ten (10) Virginia mining leases that were entered into between Plaintiffs' ancestors 6 and Iluka Resources, Inc.'s predecessor-in-interest in the late 1980s and early 1990s. 7 FAC ¶¶ 5–9; First Central District Action, Dkt.

1-1 ¶¶ 3–5; First Northern District 8 Action, Dkt. 1 ¶¶ 3–5. Plaintiffs contend their ancestors assigned their rights to 9 royalties under the leases to their three daughters, including a one-third interest to 10 Plaintiff Betty Graham.5 FAC ¶¶ 5–9; First Central District Action, Dkt. 1-1 ¶¶ 3–5; 11 First Northern District Action, Dkt. 1 ¶¶ 3–5. Plaintiffs seek rescission of the leases, 12 relief under Cal. Civ.

Code § 1692, and over \$22 billion in damages. FAC ¶¶ 5–9; 13 First Central District Action, Dkt. 1-1 ¶¶ 3–5; First Northern District Action, Dkt. 1 ¶¶ 14 3–5. The leases were the subject of an action litigated in the Sussex County Circuit 15 Court in Virginia styled, Iluka Resources Inc. v. Graham, Case No. CL15-23-00, 16 which resulted in a Final Judgment Order regarding royalties, entered September 26, 17 2022.

Dkt. 16-2. 18 On June 2, 2025, Plaintiffs filed their Complaint in the Los Angeles County 19 Superior Court. Dkt. 1-1. Defendants removed the action to this court on July 7, 20 2025. Since filing this action, Plaintiffs filed the Los Angeles Action on June 20, 21 2025, and an action in Alameda County Superior Court on June 26, 2025, which was 22 23 3 Compared to the First Central District Action, Plaintiffs have added Defendants Alexander, Berkshire Hathaway, Inc., Holliday, Hunton & Williams, Hunton & 24 Williams LLP, Iluka Resources (TN) LLC, Ineos Enterprises US Holdco LLC, Ineos 25 Group Limited, J-M Manufacturing Company, Inc., Mayo, Pirkle, and Reed Mayo Law Firm, P.C.

26 4 The court cites documents by the page numbers added by the court's CM/ECF 27 System, rather than any page numbers included natively. 28 5 The other two daughters are not parties to the Actions. 1 removed as the Second Northern District Action on July 28, 2025. 2 On February 11, 2025, this court dismissed, without leave to amend, the First 3 Central District Action as duplicative of the Northern District Action.

First Central 4 District Action, Dkt. 301 at 8–9. On April 8, 2025, the court presiding over the First 5 Northern District Action dismissed Plaintiffs' claims without prejudice and without 6 leave to amend, for failure to state a claim as to all Defendants, and also for lack of 7 personal jurisdiction as to all Defendants except Titanium Metals Corporation, which 8 did not move to dismiss the claims on that basis.

First Northern District Action, Dkt. 9 202. On June 20, 2025, the court in the First Northern District Action entered 10 judgment in Titanium Metals Corporation's favor, after Plaintiffs failed to file an 11 amended complaint timely. Id., Dkt. 212. 12 DISCUSSION 13 I. Dismissal of Action 14 A. Legal Standard 15 Federal courts "retain broad powers to prevent duplicative or unnecessary 16 litigation." *Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

Where a plaintiff files more 17 than one suit in more than one district with similar claims, parties, and relief, the court 18 has discretion to abate or dismiss the second action. *Pacesetter Sys., Inc. v. 19 Medtronic, Inc.*, 678 F.2d 93, 95 (9th Cir. 1982) (Dismissal is proper "when a 20 complaint involving the same parties and issues has already been filed in another 21 district.") (citation omitted); *Nakash v. Marciano*, 882 F.2d 1411, 1416 (9th Cir.

22 1989) ("It is enough if the two proceedings are substantially similar.") (citation and 23 internal quotation marks omitted); *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 24 684, 688 (9th Cir. 2007) ("[T]he district court did not abuse its discretion in 25 dismissing [plaintiff's] later-filed [duplicative] complaint with prejudice."). Federal 26 comity and judicial economy give rise to rules which allow a district court to transfer, 27 stay, or dismiss an action when a similar complaint was filed previously.

Alltrade, 28 Inc. v. Uniweld Prods., Inc., 946 F.2d 622, 624 (9th Cir. 1991); see also *Adams*, 487 1 F.3d at 688 ("After weighing the equities of the case, the district court may exercise 2 its discretion to dismiss a duplicative later-filed action."); *Kehano v. Hawaii*, 202 F. 3 App'x 208, 209 (9th Cir. 2006) (holding district courts may dismiss duplicative 4 claims.).

5 Pro se litigants' pleadings must be liberally construed and all doubts should be 6 resolved in their favor. *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (citations 7 omitted). Leave to amend must be granted if it appears the plaintiff can correct the 8 defects in the complaint. *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000). If a 9 claim or complaint cannot be saved by amendment, dismissal without leave to amend 10 is appropriate.

Sylvia Landfield Tr. v. City of Los Angeles, 729 F.3d 1189, 1196 (9th 11 Cir. 2013); see also *Foman v. Davis*, 371 U.S. 178, 182 (1962) (futility of amendment 12 may require a district court to deny leave to amend). 13 B. Analysis 14 Plaintiffs have now asserted the same claims involving the same facts against 15 largely the same defendants in five lawsuits, with this action being the third in order.

16 Compare FAC, with First Northern District Action, Dkt. 1 at 9–47, and First Central 17 District Action, Dkt. 1-1. In the First Central District Action, this court considered 18 and dismissed Plaintiffs' complaint without leave to amend, as the action was 19 duplicative of the First Northern District Action.

First Northern District Action, Dkt. 20 301 at 6–9. Plaintiffs assert in this third action no new claims or cognizable facts. See 21 generally, FAC. The only substantive differences between the two Actions filed in 22 this district are small variations as to the named Defendants. Compare FAC, with 23 First Northern District Action, Dkt. 1 at 9–47, and First Central District Action, Dkts.

24 1-1, 301 at 6 (finding dismissal “warranted pursuant to the rule against duplicative 25 litigation in federal fora.”). 26 Accordingly, the court exercises its discretion and DISMISSES this action as 27 duplicative of the First Central District and First Northern District Actions without 28 leave to amend. Further, Plaintiffs’ claims against Titanium Metals Corporation are 1 DISMISSED with prejudice, as previously decided in the First Northern District 2 Action.

First Northern District Action, Dkt. 212. 3 II. Ex Parte Applications 4 Plaintiffs filed their First Remand Application on October 21, 2025, the 5 Sanctions Application on November 10, 2025, and the Second Remand Application 6 on November 12, 2025.

First Remand Appl.; Sanctions Appl.; Second Remand Appl. 7 Defendants filed oppositions and joinders at varying dates.⁶ 8 The Applications are single-spaced filings, each exceeding 35 pages in length, 9 that are largely incomprehensible. *Id.* The Remand Applications devote little-to-no 10 cognizable argument to the merits of possible remand.

First Remand Appl. at 8–34; 11 Second Remand Appl. at 8–35. Both Remand Applications seek sanctions against 12 Defendants for the removal of this action. First Remand Appl. at 9–13; Second 13 Remand Appl. at 9–13. The Sanctions Application largely ignores the merits of 14 potential sanctions, and instead describes various purported misdeeds by Defendants. 15 See, e.g., Sanctions Appl. at 8–11; 14–19; 25–32.

16 Ex parte applications are requests made to the court outside the framework of 17 the ordinary rules for notice of a hearing. *Mission Power Eng’g Co. v. Cont’l Cas.* 18 6 The Iluka Defendants and Hunton Andrews Kurth LLP filed an opposition to the 19 First Remand Application on October 22, 2025. Dkt. 193.

On November 11, 2025, 20 the Iluka Defendants, Hunton Andrews Kurth LLP, and the DuPont De Nemours 21 Defendants filed an opposition to the Sanctions Application (Dkt. 202, “Sanctions Opposition”). Dkt. 202. Several defendants joined the Sanctions Opposition: Ineos 22 Pigments USA, Inc. (Dkt. 203); Kronos (US), Inc. and Kronos Worldwide, Inc. (Dkt. 23 204); Occidental Petroleum Corporation (Dkt.

207); Huntsman Corporation, Venator Materials PLC, and Venator Materials LLC (Dkt. 208); Holliday (Dkt. 210); J-M 24 Manufacturing Company, Inc. (Dkt. 212); and Titanium Metals Corporation, Precision 25 Castparts Corp., and Berkshire Hathaway, Inc. (Dkt. 222).

The Iluka Defendants and Hunton Andrews Kurth LLP filed an opposition to the Second Remand Application 26 on November 13, 2025 (Dkt. 211, the “Second Remand Opposition”). Dkt. 211. 27 Several defendants joined the Second Remand Opposition: the DuPont De Nemours Defendants joined the Second Remand Opposition (Dkt. 218); Kronos (US), Inc. and 28 Kronos Worldwide, Inc. (Dkt.

220); and Ineos Pigments USA, Inc. (Dkt. 226). 1 Co., 883 F. Supp. 488, 490 (C.D. Cal. 1995). They do not offer the opposing party a 2 fair opportunity to respond and are “rarely justified.” Id. at 490–91. To obtain ex 3 parte relief, a moving party must present evidence to show that the moving party’s 4 cause will be “irreparably prejudiced if the underlying motion is heard according to 5 regular noticed motion procedures” and that “the moving party is without fault in 6 creating the crisis that requires ex parte relief, or that the crisis occurred as a result of 7 excusable neglect.” Id. at 492.

8 Plaintiffs argue ex parte relief to remand is necessary because “[t]he removal of 9 the action to this Court is causing [Laurence J. Graham] and Betty Patrick Graham 10 stress, aggravation, expense, and delay each of which is both harm and irreparable 11 harm....” Dkt. 191-1 at 18; see also Dkt. 200-1 at 15 (alleging same); Dkt. 205-1 at 12 15 (alleging same).

Plaintiffs further argue that, because “Betty Patrick Graham is a 13 person of 80 years of age, the delay caused by the removal of the case to this Court is 14 causing her harm and irreparable harm which is good cause for ex parte relief.” Dkt. 15 191-1 at 18; see also Dkt. 200-1 at 16 (alleging same); Dkt. 205-1 at 16 (alleging 16 same). 17 Plaintiffs’ stated reasons for seeking ex parte relief fall far short of the 18 irreparable prejudice described in Mission Power.

Accordingly, the court having 19 considered Plaintiffs’ Applications and finding they lack good cause DENIES the 20 Applications. 21 III. Motion for Sanctions 22 The Moving Defendants’ Sanctions Motion was filed on September 24, 2025. 23 Mot.; Dkt. 165-1 (“Mot. Br.”); Dkt. 173; Dkt. 179. Plaintiffs filed an untimely 24 opposition (Dkt. 213, “Opposition”) on November 14, 2025.

The court will exercise 25 its discretion and consider the Opposition. Dkt. 213 (“Opp’n”). 26 / / / 27 / / / 28 / / / 1 A. Legal Standard 2 The Moving Defendants move for sanctions under the court’s inherent authority 3 and 28 U.S.C. § 1927 (“§ 1927”). Id. at 16–18. Section 1927 vests federal courts 4 with the power to hold attorneys personally liable for fees and costs incurred by the 5 opposing party as a result of counsel’s misconduct.

The statute authorizes the 6 imposition of sanctions against “any lawyer who wrongfully proliferates litigation 7 proceedings once a case has commenced.” Pac. Harbor Cap., Inc. v. Carnival Air 8 Lines, Inc., 210 F.3d 1112, 1117 (9th Cir. 2000).

In the Ninth Circuit, sanctions under 9 § 1927 may be awarded against pro se plaintiffs. See *Wages v. I.R.S.*, 915 F.2d 1230, 10 1235–36 (9th Cir. 1990); see also L.R. 1-3 (“Persons appearing pro se are bound by 11 these rules, and any reference in these rules to ‘attorney’ or ‘counsel’ applies to parties 12 pro se unless the context requires otherwise.”), 83-2.2.3 (“Any person appearing pro 13 se is required to comply with these Local Rules, and with the F.R.Civ.P., F.R.Crim.P., 14 F.R.Evid. and F.R.App.P.”); accord Standing Order, Dkt.

124 at 3 (all parties or their 15 counsel, including pro se litigants, are required to be familiar with the court’s rules). 16 Courts considering imposition of sanctions under § 1927 must make a finding that the 17 attorney to be sanctioned acted with “subjective bad faith.” *New Alaska Dev. Corp. v. 18 Guetschow*, 869 F.2d 1298, 1306 (9th Cir. 1989). 19 In addition, “the central purpose of [Fed.

R. Civ. P.] 11 is to deter baseless 20 filings in district court and thus ... streamline the administration and procedure of the 21 federal courts.” *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 393 (1990). To 22 fulfill this purpose, Rule 11 “provides for the imposition of sanctions when a motion 23 is frivolous, legally unreasonable, or without factual foundation, or is brought for an 24 25 7 Section 1927 provides: “[a]ny attorney or other person admitted to conduct cases in 26 any court of the United States or any Territory thereof who so multiplies the 27 proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred 28 because of such conduct.” 1 improper purpose.” *Est. of Blue v. Cnty. of Los Angeles*, 120 F.3d 982, 985 (9th Cir.

2 1997). “Frivolous filings are those that are both baseless and made without a 3 reasonable and competent inquiry.” *Id.* (internal quotation marks and citations 4 omitted); see also *Golden Eagle Distrib. Corp. v. Burroughs Corp.*, 801 F.2d 1531, 5 1536 (9th Cir. 1986) (attorneys have an affirmative duty to conduct a reasonable 6 investigation “both as to law and as to fact”); *Simpson v. Lear Astronics Corp.*, 77 7 F.3d 1170, 1177 (9th Cir.

1996) (Rule 11 sanctions may be imposed against pro se 8 litigants). “The district court has wide discretion in determining the appropriate 9 sanction for a Rule 11 violation[.]” *Hudson v. Moore Bus. Forms, Inc.*, 836 F.2d 10 1156, 1163 (9th Cir. 1987) (citation omitted).

The sanction, however, “must be 11 limited to what suffices to deter repetition of the conduct or comparable conduct by 12 others similarly situated.” Fed. R. Civ. P. 11(c)(4). 13 B. Analysis 14 The Moving Defendants argue “Plaintiffs should be sanctioned for presenting 15 and advocating a frivolous complaint and for engaging the ex parte motion process in 16 bad faith and without reasonable basis for doing so.” Mot. at 2.

In this action alone, 17 Plaintiffs have filed nine meritless, including six procedurally deficient, ex parte 18 applications to remand. Dkts. 50, 128, 139, 154, 156, 159, 191, 200, 205. In the First 19 Central District Action, Plaintiffs filed nine ex parte applications in the span of five 20 days.

First Central District Action, Dkts. 218, 219, 221, 229, 231, 237, 250, 251, 255. 21 In that action, this court twice warned Plaintiffs against the filing of improper 22 ex parte applications. *Id.*, Dkts. 257 at 2–3 (“The continued overuse of improper ex 23 parte applications by Plaintiffs will result in the imposition of sanctions.”), 275 at 3 24 (“The court further advises Plaintiffs that the filing of multiple duplicative documents 25 and improper ex parte applications is abusive and such conduct, if continued, will 26 result in the imposition of sanctions.”).

The Moving Defendants also seek sanctions 27 for the frivolous nature of this action, in light of the prior dismissal of Plaintiffs’ 28 duplicative action. Mot. Br. at 11–12. 1 Plaintiffs primarily argue in opposition that sanctions are not warranted as the 2 instant action is not duplicative of previous litigation. Opp’n at 2–3. Plaintiffs do not 3 address the Moving Defendants’ arguments that Plaintiffs have abused the ex parte 4 application process, see generally, *id.*, and end their Opposition by arguing the court 5 instead should sanction the moving Defendants for filing a frivolous motion.

Id. at 5– 6 6. 7 The court finds sanctions against Plaintiffs are appropriate at this time. 8 Plaintiffs have unreasonably and unnecessarily filed repeated, unjustified ex parte 9 applications that abused the judicial process.

The court twice warned Plaintiffs 10 against such continued abuse in the First Central District Action, and imposed no 11 sanctions at that time. First Central District Action, Dkts. 257 at 2–3, 275 at 3. 12 Plaintiffs provided no evidence or arguments approximating the exigent circumstances 13 needed to warrant ex parte relief for any of their nine applications.

Accordingly, the 14 court finds Plaintiffs have acted with subjective bad faith with respect to their repeated 15 unmeritorious ex parte applications. 16 Similarly, the filing of a frivolous complaint after the dismissal of an identical 17 complaint in this court has wrongfully proliferated litigation, unnecessarily increased 18 Defendants’ costs, and resulted in harassing behavior deserving of sanctions.

See, 19 e.g., *Williams v. Laimana*, Case No. 8:20-cv-0110-DOC (ADS), 2020 WL 8262400, at 20 *2 (C.D. Cal. Dec. 22, 2020), *aff’d*, No. 21-55053, 2022 WL 563250 (9th Cir. Feb. 24, 21 2022) (sanctioning pro se plaintiffs for repeatedly filing frivolous lawsuits). While 22 pro se parties are generally afforded greater lenience, Plaintiffs’ misconduct cannot be 23 attributed to the lack of legal expertise.

The conduct has been informed and deliberate 24 with a full appreciation of its impact on Defendants. Accordingly, the court finds 25 Plaintiffs acted with subjective bad faith in filing repeated meritless complaints, which 26 resulted in the systemic and fraudulent abuse of the judicial process deserving of 27 sanctions. 28 Having exercised its discretion and inherent authority, and found sanctions to 1 be appropriate in this action at this time, the court requires

evidence concerning the 2 extent of Defendants' attorney's fees and costs that are attributable to Plaintiffs' 3 conduct in this action.

Van Gerwen v. Guarantee Mut. Life Co., 214 F.3d 1041, 1045 4 (9th Cir. 2000) ("The party seeking an award of fees must submit evidence supporting 5 the hours worked and the rates claimed."). Accordingly, the court GRANTS the 6 Moving Defendants' Sanctions Motion and ORDERS Defendants to file their request 7 for attorney's fees and costs, including evidence, a detailed quantification, and any 8 additional points and authorities, within thirty (30) days from the date of this Order.

9 Plaintiffs may respond to Defendants' request for attorney's fees and costs no later 10 than thirty (30) days upon service of Defendants' request. No reply shall be filed. 11 IV. Order to Show Cause that Plaintiffs are Not Vexatious Litigants 12 As stated, Plaintiffs have filed duplicative lawsuits against most of the same 13 Defendants asserting the same claims.

These filings do not appear to have been made 14 in good faith as Plaintiffs appear to have filed a new action each time a court issued an 15 adverse ruling, e.g., the court's August 20, 2024 Order denying without prejudice 16 Plaintiffs' motion to remand in the First Northern District Action (Dkt. 104), and this 17 court's February 11, 2025 Order dismissing the First Central District Action as 18 duplicative (Dkt.

301). 19 Accordingly, pursuant to Local Rule 83-8, the court ORDERS Plaintiffs to 20 Show Cause, in writing, within thirty (30) days of service of this Order, why the court 21 should not declare Plaintiffs vexatious litigants and direct the Clerk of the Court not to 22 accept further filings from Plaintiffs without written authorization from a District 23 Judge or Magistrate Judge of this Court, or impose other pre-filing requirements 24 similar to those of Cal. Code Civ.

Proc. § 391.7. See Local Rule 83-8.4 ("[T]he Court 25 may, at its discretion, proceed by reference to the Vexatious Litigants Statute of the 26 27 28 1 State of California, Cal. Code Civ. Proc. §§ 391–391.8."). 2 Failure to respond timely 2 shall be deemed an admission that Plaintiffs should be declared vexatious litigants. 3 Plaintiffs' response to the Order to Show Cause shall be limited to 2,500 words.

4 The court will not consider a response that is (1) over the word limit and (2) does not 5 contain a certificate of compliance with the word count. 6 CONCLUSION 7 For the aforementioned reasons, the court hereby ORDERS as follows: 8 1. This action is DISMISSED without leave to amend. 9 2. This action is DISMISSED with prejudice as to Defendant Titanium 10 Metals Corporation.

11 3. Defendants' Motions to Dismiss, Dkts. 15, 19, 23, 24, 26, 28, 30, 34, 41, 12 51, 149, 170, and 184 are DENIED as moot. 13 4. Plaintiffs' motion for extension to file opposition to Defendant Iluka 14 Resources, Inc.'s motion to dismiss, Dkt. 49, and motion to remand, Dkt. 15

69, are DENIED as moot. 16 5. Plaintiffs' ex parte Applications, Dkts. 191, 200, and 205, are DENIED.

17 6. The Moving Defendants' Sanctions Motion, Dkt. 165, is GRANTED. 18 7. The Moving Defendants shall file their request for attorney's fees and 19 costs, including evidence, a detailed quantification, and any additional 20 points and authorities, within thirty (30) days from the date of this Order. 21 Plaintiffs may respond to the Moving Defendants' request for attorney's 22 fees and costs no later than thirty (30) days upon service of the Moving 23 Defendants' request.

No reply shall be filed. 24 25 8 "(b) 'Vexatious litigant' means a person who does any of the following: ... (2) After 26 a litigation has been finally determined against the person, repeatedly relitigates ... (ii) 27 the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to 28 whom the litigation was finally determined." Cal. Code Civ.

Proc. § 391(b). I 8. Plaintiffs are ORDERED to Show Cause, in writing, within thirty (30) 2 days of service of this Order, as to why they should not be declared 3 vexatious litigants under Local Rule 83-8.4. Failure to respond timely 4 shall be deemed an admission that Plaintiffs should be declared vexatious 5 litigants. 6 7 IT IS SO ORDERED. 8 9 || Dated: January 6, 2026 10 FERNANDO'L.

AENLLE-ROCHA United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 14