

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Avis Copelin v. Athene Annuity and Life Company

Copelin · No. 2:25-cv-00832-SB-JPR · Decided May 9, 2025

SUMMARY

The United States District Court for the Central District of California struck two untimely first amended complaints because they failed to distinguish claims brought by Avis Copelin individually from claims brought on behalf of Terry Gordon. The court granted one final opportunity to file a compliant amended complaint and ordered Copelin and her counsel to show cause why sanctions should not be imposed for violating court orders and filing improper or duplicative submissions. The court set deadlines for the amended complaint and responses and continued the show-cause hearing and mandatory scheduling conference.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 9, 2025
DOCKET	2:25-cv-00832-SB-JPR
DISPOSITION	other
PROCEDURAL POSTURE	The court struck an untimely and noncompliant first amended complaint, denied an application to lodge a duplicate amended complaint, and issued an order to show cause regarding potential sanctions.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Avis Copelin v. Athene Annuity and Life Company

TOPICS

- pleadings
- sanctions
- motion to amend
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- sanctions
- insurance
- commercial litigation

QUESTIONS PRESENTED

1. Whether the first amended complaint should be stricken and a duplicate amended complaint should be denied lodging because both were untimely and failed to comply with the court's order requiring clear delineation of individual and representative claims.
2. Whether Plaintiff and her counsel should be ordered to show cause why sanctions should not be imposed under Federal Rules of Civil Procedure 16(f) and 11 for violating court orders and submitting improper filings.
3. Whether Plaintiff should be given one final opportunity to file a compliant amended complaint identifying the claims brought individually and those brought on behalf of Terry Gordon.

HOLDINGS

1. A litigant's statutory privilege to represent herself pro se does not authorize her to represent another party or entity; claims asserted on behalf of Terry Gordon therefore required representation by counsel.
2. The court may strike an amended complaint and deny lodging of a duplicate amended complaint when the filings are untimely and fail to comply with an order requiring clear delineation of individual and representative claims.
3. The court granted Plaintiff one final opportunity to file a single amended complaint that clearly identifies which claims are brought individually and which are brought on behalf of Terry Gordon.
4. The court ordered Plaintiff and her counsel to respond to an order to show cause concerning potential sanctions under Federal Rules of Civil Procedure 16(f) and 11 for alleged violations of court orders and improper filings.

KEY QUOTATIONS

"It is well established that the privilege to represent oneself pro se provided by [28 U.S.C.] § 1654 is personal to the litigant and does not extend to other parties or entities." (Introduction)

"By May 16, 2025, Plaintiff shall file one—and only one—amended complaint that delineates which claim(s) she brings individually and which claim(s) she brings on behalf of Terry Gordon." (Order Striking the First Amended Complaint)

"The failure to file a timely amended complaint will result in dismissal of all of Plaintiff's claims without prejudice." (Order Striking the First Amended Complaint)

"Rule 11 does not create a civil cause of action." (n. 2)

FACTUAL BACKGROUND

Plaintiff Avis Copelin attempted to bring claims on behalf of Terry Gordon and herself, although she initially proceeded without a pleading that clearly identified which claims were individual and which were asserted for Gordon. After the court ordered a compliant amended complaint by May 2, 2025, Copelin and her counsel filed two virtually identical amended complaints three days late, neither of which made the required distinction. The

court also identified other alleged violations, including duplicative ex parte applications concerning funds under Gordon's annuity contract and an untimely request for remote appearance at a scheduling conference.

PROCEDURAL HISTORY

Copelin purported to assert claims both individually and on behalf of Terry Gordon. The court previously ordered her to file an amended complaint clearly distinguishing those claims, but she failed to meet the deadline and then submitted two virtually identical amended complaints after the extended deadline. The court struck one complaint, denied lodging of the duplicate, gave one final opportunity to amend, and ordered Copelin and her counsel to show cause why sanctions should not be imposed.

DISPOSITION

other

CASES CITED

- Simon v. Hartford Life, Inc., 546 F.3d 661, 664 (9th Cir. 2008)
- Nah v. Jablon, No. 2:23-CV-06909-RGK-RAO, 2023 WL 8634952, at *4 (C.D. Cal. Nov. 2, 2023)
- Nah v. Jablon, No. 2:23-CV-06909-RGK-RAO, 2023 WL 8634952, at *4 (C.D. Cal. Nov. 2, 2023), aff'd, No. 23-4003, 2025 WL 1202525 (9th Cir. Apr. 25, 2025)