

EXHIBIT A

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 23 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WADE ROBERTSON,

Plaintiff-Appellant,

v.

RICHARD A. HONN; et al.,

Defendants-Appellees.

No. 18-16304

D.C. No. 3:17-cv-01724-JD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted October 15, 2019**

Before: FARRIS, LEAVY, and RAWLINSON, Circuit Judges.

Wade Robertson, a disbarred California attorney, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action arising out of his state bar disciplinary proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Gilbertson v. Albright*, 381 F.3d 965, 982 n.19 (9th Cir. 2004)

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

(en banc). We affirm.

The district court properly dismissed Robertson's claims requesting injunctive relief arising out of the then-pending California State Bar disciplinary proceedings as barred by the *Younger* abstention doctrine because federal courts are required to abstain from interfering with pending state court proceedings. *See Hirsh v. Justices of Supreme Court of State of Cal.*, 67 F.3d 708, 712-15 (9th Cir. 1995) (listing the requirements for *Younger* abstention and dismissing action arising from state bar disciplinary proceedings as barred by the *Younger* abstention doctrine). Contrary to Robertson's contention, none of the exceptions to the *Younger* abstention doctrine apply.

The district court did not err in declining to consider for reasons of comity Robertson's claim seeking to vacate the judgment of sister courts. *See FDIC v. Aaronian*, 93 F.3d 636, 639 (9th Cir. 1996) ("Although the registering court has wide discretion to entertain a challenge to the underlying judgment, such motions are disfavored. Registering courts generally prefer litigants to bring motions for postjudgment relief in the rendering court."); *see id.* ("Courts of appeal review with deference a registering court's decision to defer to the rendering court, if they review them at all.").

Robertson's, Cartinhour's and the State Bar defendants' requests for judicial notice (Docket Entry Nos. 9, 40, and 46) are granted.

Robertson's motion to strike Volume 2 of Cartinhour's Supplemental Excerpts of Record (Docket Entry No. 54) is denied.

Robertson's motion to file a supplemental brief (Docket Entry No. 63) is granted in part. The Clerk shall file the supplemental brief submitted at Docket Entry No. 64. The motion is denied in all other respects.

Robertson's motion for reconsideration of the July 31, 2019 clerk order (Docket Entry No. 70) is denied.

AFFIRMED.

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WADE ANTHONY ROBERTSON,

Plaintiff,

v.

RICHARD A. HONN, et al.,

Defendants.

Case No. 17-cv-01724-JD

JUDGMENT

At plaintiff's request, the Court dismisses this case with prejudice and enters judgment against him pursuant to Federal Rule of Civil Procedure 58.

IT IS SO ORDERED.

Dated: June 28, 2018



JAMES DONATO
United States District Judge

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WADE ANTHONY ROBERTSON,

Plaintiff,

v.

RICHARD A. HONN, et al.,

Defendants.

Case No. 17-cv-01724-JD

ORDER RE MOTIONS TO DISMISS

Re: Dkt. Nos. 57, 58

Pro se plaintiff Wade Anthony Robertson is a former attorney admitted to practice in California. A federal jury found that he had committed malpractice and breached his fiduciary duties to a business partner, and that he had done so in a manner warranting punitive damages. A federal court of appeals affirmed the verdict. Robertson was disbarred for this egregious misconduct, which he challenges here on a myriad of grounds. The Court dismissed the first amended complaint from the bench, and now provides a fuller statement detailing the shortcomings in the complaint mainly for plaintiff's guidance should he choose to amend. Dkt. Nos. 48, 106.

BACKGROUND

Robertson was in a business partnership, W.A.R. LLP, with William C. Cartinhour, Jr., who is not a lawyer and who is named as a defendant in this case. Eventually there was litigation between the two in the District of Columbia. Cartinhour claimed that Robertson had misrepresented the status of a securities class action that Robertson was working on as an attorney, and which the partnership was backing as a business opportunity. As Robertson himself lays out in his complaint, a federal district court jury found that Robertson had breached a fiduciary duty to Cartinhour and had committed legal malpractice, and it awarded to Cartinhour \$3.5 million in compensatory damages and \$3.5 million in punitive damages. Dkt. No. 48 ¶ 144. A civil

1 judgment was entered in favor of Cartinhour, and the United States Court of Appeals for the
 2 District of Columbia affirmed the judgment. *Id.* ¶ 91. Attorney disciplinary proceedings before
 3 the State Bar of California were initiated and resulted in a recommendation that Robertson be
 4 disbarred. *Id.* ¶¶ 101, 112. The Supreme Court of California filed an order effectively approving
 5 the recommendation and disbarment, *id.* ¶ 115, which was not yet final at the time this lawsuit was
 6 filed. *Id.* ¶ 116.

7 DISCUSSION

8 The complaint is a sprawling mass of disjointed allegations and was dismissed as
 9 incomprehensible for that reason. Dkt. No. 113 (motion hearing transcript) at 3:21-23 & 8:11-12.
 10 The complaint tries to allege eleven disparate claims for relief against thirty-eight separate
 11 defendants in 834 paragraphs (totaling 209 pages) of allegations that are, at best, hard to follow. It
 12 includes what is effectively a complaint within a complaint in the form of an alleged claim against
 13 Cartinhour that runs 134 pages long and has its own separate table of contents. Dkt. No. 48 at 34.
 14 This claim features an attack on “Cartinhour’s undisclosed serious mental illnesses” and other
 15 scurrilous statements by Robertson against the victim who prevailed against him in court. *Id.* at
 16 43-46. The complaint includes a variety of other comments whose relevance is not at all apparent,
 17 such as the ones about the California State Bar’s real estate dealings. *Id.* ¶¶ 780-790. This
 18 violates the requirement in Rule 8(a) of the Federal Rules of Civil Procedure that the complaint
 19 must contain “a short and plain statement” of plaintiff’s claims for relief, and is a proper basis for
 20 dismissal.

21 Because plaintiff will be given 45 days from the date of this order to file an amended
 22 complaint should he choose to do so, the Court provides further guidance for plaintiff’s next
 23 attempt, should there be one. The Court primarily relies on plaintiff’s prayer for relief as a guide
 24 for better understanding what it is plaintiff seeks in this case. Dkt. No. 48 at 205-208.

25 The Court rejects as improper any request to review or vacate prior judgments or orders
 26 issued by the United States District Court for the District of Columbia or the United States
 27 Bankruptcy Court for the District of Columbia. *Id.* at 205-206. This Court does not sit in review
 28 of those courts. The fact that some of the orders or judgments may have been registered in this

1 district pursuant to 28 U.S.C. § 1963 does not lead to a different result. *See F.D.I.C. v. Aaronian*,
 2 93 F.3d 636, 639 (9th Cir. 1996); *Indian Head Nat'l Bank of Nashua v. Brunelle*, 689 F.2d 245,
 3 249 (1st Cir. 1982). Even assuming jurisdiction were to exist for that, which is itself doubtful,
 4 principles of comity and efficient judicial administration weigh definitively against asking a
 5 district court to second guess the orders and decisions issued by sister courts. The salient point is
 6 that Robertson had a trial before a jury whose verdict was affirmed on appeal. There is no place in
 7 our federal system for a disgruntled litigant to seek collateral review before another district court.

8 The rest of plaintiff's case is an effort to avoid the disbarment consequences of the verdict
 9 against him. Specifically, he seeks to escape any "legal effect" from "case No. S237476 in the
 10 Supreme Court of California" and "case No. 09-O-19529 in the State Bar Court of the State Bar of
 11 California." Dkt. No. 48 at 206-208. Those cases are the attorney disciplinary proceedings in
 12 California, which were pending at the time this case was filed.

13 *Younger* abstention precludes consideration of Robertson's attack on his state discipline
 14 orders. *Younger v. Harris*, 401 U.S. 37 (1971); *Hirsh v. Justice of the Supreme Court of the State*
 15 *of California*, 67 F.3d 708 (9th Cir. 1995). Under *Younger*, "[a]bsent 'extraordinary
 16 circumstances,' abstention in favor of state judicial proceedings is required if the state proceedings
 17 (1) are ongoing, (2) implicate important state interests, and (3) provide the plaintiff an adequate
 18 opportunity to litigate federal claims." *Hirsh*, 67 F.3d at 712 (citing *Middlesex County Ethics*
 19 *Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982)).

20 As in *Hirsh*, each of the prerequisites for *Younger* abstention is satisfied here. For the two
 21 requirements that plaintiff contests, our circuit has expressly recognized that "California's attorney
 22 disciplinary proceedings implicate important state interests," and that the California Supreme
 23 Court's rules relating to Bar Court decisions provide for an adequate opportunity for a plaintiff to
 24 present federal constitutional claims. *Hirsh*, 67 F.3d at 712-13; *see also Baffert v. California*
 25 *Horse Racing Board*, 332 F.3d 613, 621 (9th Cir. 2003) (that plaintiff "disagrees vigorously with
 26 the result that he has achieved thus far in California" does not render the forum inadequate for the
 27 litigation of constitutional claims for purposes of determining applicability of *Younger* abstention).
 28 Plaintiff's arguments to the contrary are rejected as meritless.

Nor has plaintiff established that any of the exceptions to *Younger* abstention might apply. Our circuit has determined that “one who alleges bias must overcome a presumption of honesty and integrity in those serving as adjudicators,” with “evidence.” *Hirsh*, 67 F.3d at 713-14 (quotations omitted). And the bad faith exception “means that a prosecution has been brought without a reasonable expectation of obtaining a valid conviction” and requires “evidence of bad faith, such as bias against plaintiff, or of a harassing motive.” *Baffert*, 332 F.3d at 621. Based on the record, the Court concludes that plaintiff has not crossed the necessary bar from “only conjecture,” which is insufficient, *Hirsh*, 67 F.3d at 714, to actual evidence. *See, e.g.*, Dkt. No. 48 ¶ 704 (plaintiff’s allegation that when the State Bar defendants initiated attorney disciplinary proceedings against him in 2012 following the passage of a new dues bill in 2011, “on information and belief they did so because they were motivated by their own pecuniary interests”), and *compare with Hirsh*, 67 F.3d at 714 (“The fact that fines imposed in attorney disciplinary proceedings are paid to the treasury of the State Bar does not establish an impermissible financial interest.”).

CONCLUSION

Defendants’ motions are granted, Dkt. Nos. 57, 58, and plaintiff’s first amended complaint is dismissed. In light of what the Court has seen so far, it has serious doubts that plaintiff will be able to state a plausible claim. Nevertheless, plaintiff may file a second amended complaint by **June 14, 2018**, that is consistent with this order. All other pending motions are terminated as moot, without prejudice to being renewed at a later time if appropriate.

IT IS SO ORDERED.

Dated: April 30, 2018


 JAMES DONATO
 United States District Judge

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable James Donato, Judge

WADE ANTHONY ROBERTSON,)	
)	
Plaintiff,)	
)	
VS.)	NO. C 17-01724 JD
)	
RICHARD A. HONN, et al.,)	
)	
Defendants.)	
)	

San Francisco, California
Wednesday, July 19, 2017

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff:

Wade Anthony Robertson
531 Lausen Mall
P.O. Box 20185
Stanford, CA 94309
(866) 845-6003

BY: WADE ANTHONY ROBERTSON

For Defendant Richard A. Honn:

Office of General Counsel
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639
(415) 538-2388

BY: SUZANNE CELIA GRANDT

Reported By: Lydia Zinn, CSR No. 9223, FCRR, Official Reporter

APPEARANCES:

For Defendant Tani-Gorre Cantil-Sakauye:

California State Attorney General's
Office

Department of Justice

455 Golden Gate Avenue, Suite 11000

San Francisco, CA 94105-1639

(415) 703-5781

BY: JOSE A. ZELIDON-ZEPEDA

For Defendant William C. Cartinhour, Jr.:

Hayes Scott Bonino Ellingson

McLay, LLP

203 Redwood Shores Parkway, Suite 480

Redwood City, CA 94065

(650) 637-9100

BY: STEPHEN ALTER SCOTT

1 Wednesday - July 19, 2017

3:09 p.m.

2 P R O C E E D I N G S

3 ---000---

4 **THE CLERK:** Please be seated. Calling Civil 17-1724,
5 Robertson versus Honn. Will counsel please come forward and
6 state their appearances for the Court?

7 **MR. ROBERTSON:** Plaintiff Wade Robertson, Your Honor.

8 **MR. SCOTT:** Steve Scott, Your Honor, on behalf of
9 Dr. Cartinhour, who's guardian ad litem of Robert McCarthy.

10 **THE COURT:** Okay.

11 **MR. ZELIDON-ZEPEDA:** Good afternoon, Your Honor.
12 Jose Zelidon-Zepeda, Attorney General's Office, for the
13 Justices of the California Supreme Court.

14 **MS. GRANDT:** Suzanne Grandt, on behalf of the State
15 Bar of California defendants, which include employees of the
16 State Bar, Board Members of the State Bar, and State Bar
17 Judges.

18 **THE COURT:** All right. Oh, okay. Here it is. Okay.
19 Why don't you all come on up? We're just going to talk for a
20 few minutes. So here is what we're going to do.
21 Mr. Robertson, this Complaint is 209 pages long. It's got a
22 set of attachments. I can't follow it. I don't understand
23 what your claims are. I don't understand what you want. To
24 the extent I can harvest anything from it, it seems
25 inappropriate.

1 Look. You were tried in a District Court. You lost. You
2 had a verdict against you. It was affirmed by the District of
3 Columbia Circuit Court. I'm not renewing any of that. It's
4 not within my purview. It's not what we do in federal court.
5 You can't move laterally to another federal court, and have
6 that Court review. So any claim related to challenging the
7 District of Columbia District Court verdict or the Court of
8 Appeals' affirmance of that verdict is dismissed.

9 To the extent you're challenging your disciplinary
10 proceedings, particularized to you in California State Bar
11 Court the District of Columbia -- those claims seem to me to be
12 barred by *Younger*.

13 Now, there's an interesting *Rooker-Feldman* application
14 because, as I understand it, the rehearing petition has now
15 been denied. Is that right?

16 MR. ZELIDON-ZEPEDA: Right.

17 MS. GRANDT: Yes.

18 THE COURT: Okay. So had I been called to opine on
19 it -- I don't think I am -- I might take a somewhat different
20 view of the trigger for *Younger* versus *Rooker-Feldman* -- in
21 other words, not necessarily stand on the initiation date of
22 the Complaint to decide whether *Rooker-Feldman* or *Younger*
23 applies -- but I don't have to do that here.

24 There's case after case, Mr. Robertson, at the
25 Ninth Circuit level saying you cannot, under *Younger*, challenge.

1 your specific personal State Bar proceedings. You just can't
2 do it. Okay? So all of those claims are out, as well.

3 Now I'm going to give you a chance to amend. The
4 amendment has to be within the bounds of Rule 8. It has to be
5 a clear, plain, simple statement of what your claim is.

6 You are not going to be allowed to amend to include any
7 claims that attack collaterally the District Court decision and
8 verdict in D.C., or the Court of Appeals affirmance in D.C.
9 Those are out.

10 You cannot bring any claims challenging the way the
11 State Bar or the California Supreme Court or its Justices have
12 adjudicated your disbarment. Those are also out. They are
13 barred by *Younger*.

14 Now, I can't tell, in the 200-plus pages that are left,
15 whether there's anything out there that survives, but I'm going
16 to give you a chance to amend to do that. Okay? So that is
17 the disposition.

18 How much time would you like? 30 days? 45 days?

19 **MR. ROBERTSON:** Your Honor, I'd like to address for
20 the Record if I may the *Younger* abstention. Your Order
21 yesterday specifically highlighted that. We've been discussing
22 it. And I have some arguments I think would be helpful to you,
23 and certainly could make a Record.

24 **THE COURT:** You need to slow down and speak a little
25 more loudly. I will listen for a few moments. Go ahead. What

1 do you have?

2 **MR. ROBERTSON:** So the arguments that have been made
3 with respect to *Younger* and the cases that have been cited, and
4 I believe what the Court may have relied upon, although it
5 hasn't specifically said that, are the cases that point to an
6 important state interest. And if there's no important state
7 interest here, then *Younger* is not applicable.

8 And with respect to the state interest, there are two ways
9 that it must be measured.

10 **THE COURT:** Let me just jump in. The Ninth Circuit
11 has already held that State Bar proceedings in the discipline
12 of lawyers is an important state interest. You've lost that
13 fight. The Ninth Circuit has already held that. So that is
14 not a point I'm going to rely on to not apply *Younger*.

15 So what was your other point?

16 **MR. ROBERTSON:** The point that I wanted to make,
17 Your Honor, is that, unlike every other case that's come before
18 the Ninth Circuit, I am not challenging the constitutionality
19 of any of the statutes. That's what *Younger* was about, and
20 that's what *Middlesex* was about, and *Hirsh*, and even *Canatella*,
21 such that, as long as I'm not challenging the constitutionality
22 of a California state law nor any of the important procedural
23 schemes related to it, then the questions and the focus of the
24 Court isn't on -- then that *Younger* analysis doesn't apply.

25 The focus of the Court is on the interest and the

1 resolution of an individual -- as the Ninth Circuit said in
2 *AmerisourceBergen v. Roden*, the challenge to only one order,
3 and not the whole procedure, is not substantial to interfere
4 with the state's administrative matter.

5 **THE COURT:** Right. I disagree with that.

6 Now, what other *Younger* points do you have?

7 **MR. ROBERTSON:** Yes. That also the Ninth Circuit
8 said, in *Fresh Intern. Corp. v. Agricultural Labor Relations*
9 *Board*, that --

10 **THE COURT:** Okay. Aren't these all in your --

11 These cases are in your brief; aren't they?

12 **MR. ROBERTSON:** Yes, Your Honor.

13 **THE COURT:** I've already looked at all of that. I
14 don't need to recycle the citations in the brief. Is there
15 anything extra that you'd like to add?

16 **MR. ROBERTSON:** Yes, Your Honor. I'm just trying to
17 point out that the focus shifts to the examination of the
18 state's interest --

19 **THE COURT:** Mr. Robinson, it's all in your brief. I
20 don't want you just to rehash what's in your brief. Is there
21 anything else that you'd like to add that's not in your brief?
22 I have all of those materials in hand.

23 **MR. ROBERTSON:** If I understand correctly, then all
24 of the points of law raised in my briefs, you are finding
25 against me? Is that correct?

1 **THE COURT:** I'm applying *Younger*. Yes. Your
2 objections to the application of *Younger* are not sustainable.

3 Now I'm going to give you a chance to amend. You don't
4 have to amend if you don't want to. But I'll give you -- the
5 question on the table was: How much time would you like to
6 amend, within the parameters I've set out for your amendment?
7 Would you like 30 days or 45 days? What would you prefer? Or
8 nothing. It's up to you.

9 **MR. ROBERTSON:** I'm not sure you've left me anything,
10 Your Honor. So I think --

11 **THE COURT:** Well, I don't know. I can't tell. The
12 Complaint borders on the incomprehensible, so I'm giving you a
13 chance to take another swing at it, if you want. You're not
14 compelled to, but this is an opportunity, should you wish to
15 pursue it, to try to state a claim that fits within the
16 parameters of the laws that I've applied.

17 **MR. ROBERTSON:** Well, I'll take as much time as you'd
18 like to give me to think about it. And if I can --

19 **THE COURT:** Let's do 45 days from today. All right?
20 So 45 days from today.

21 Everything else is stayed. There will be no entries of
22 default; no preliminary injunctions. We're going to get
23 through the Complaint.

24 I have grave doubts that anything survives today, but I'm
25 going to give Mr. Robertson a chance to articulate something

1 that he thinks may survive.

2 Pending that, everything else is on ice. Okay? No
3 initial disclosures. No discovery. Nothing. It's just: Do
4 this last round of pleadings. All right? Okay.

5 MR. SCOTT: Thank you, Your Honor.

6 THE COURT: Thank you very much.

7 THE CLERK: All rise. Court's in recess.

8 (At 3:17 p.m. the proceedings were adjourned.)

9 I certify that the foregoing is a correct transcript from the
10 record of proceedings in the above-entitled matter.

11

12 *Lydia Zinn*

13 _____ August 29, 2017

14 Signature of Court Reporter/Transcriber Date
15 Lydia Zinn

16

17

18

19

20

21

22

23

24

25

EXHIBIT E

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 3 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WADE ROBERTSON,

Plaintiff-Appellant,

v.

RICHARD A. HONN; et al.,

Defendants-Appellees.

No. 18-16304

D.C. No. 3:17-cv-01724-JD
Northern District of California,
San Francisco

ORDER

Before: FARRIS, LEAVY, and RAWLINSON, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Robertson's petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 77) are denied.

Robertson's "motion for sanctions and to strike the attorney's appearance" (Docket Entry No. 78) is denied.

No further filings will be entertained in this closed case.

EXHIBIT F

(ORDER LIST: 589 U.S.)

THURSDAY, MARCH 19, 2020

ORDER

In light of the ongoing public health concerns relating to COVID-19, the following shall apply to cases prior to a ruling on a petition for a writ of certiorari:

IT IS ORDERED that the deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rules 13.1 and 13.3.

IT IS FURTHER ORDERED that motions for extensions of time pursuant to Rule 30.4 will ordinarily be granted by the Clerk as a matter of course if the grounds for the application are difficulties relating to COVID-19 and if the length of the extension requested is reasonable under the circumstances. Such motions should indicate whether the opposing party has an objection.

IT IS FURTHER ORDERED that, notwithstanding Rules 15.5 and 15.6, the Clerk will entertain motions to delay distribution of a petition for writ of certiorari where the grounds for the motion are that the petitioner needs additional time to file a reply due to difficulties relating to COVID-19. Such motions will ordinarily be granted by the Clerk as a matter of course if the length of the extension requested is reasonable under the circumstances and if the motion is actually received by the Clerk at least two days prior to the relevant distribution date. Such motions should indicate whether the opposing party has an objection.

IT IS FURTHER ORDERED that these modifications to the Court's Rules and practices do not apply to cases in which certiorari has been granted or a direct appeal or original action has been set for argument.

These modifications will remain in effect until further order of the Court.