

**FILED**

**OCT 07 2019**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

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7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN FRANCISCO DIVISION**

10  
11 **ANDREA C. WOOD**

12  
13 **Plaintiff,**

14  
15 **v.**

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17 **COUNTY OF CONTRA COSTA, et al.**

18  
19 **Defendants.**

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21 **JURY TRIAL DEMANDED**  
22

**CASE NO.: 19-cv-4266-MMC**

**MOTION FOR SANCTIONS**

23 **PLAINTIFF'S MOTION FOR SANCTIONS PURSUANT TO**  
24 **FED. R. CIV. P. 11(b)**  
25

26 **COME NOW** Plaintiff Andrea C. Wood ("Plaintiff") and hereby moves this Court for  
27 entry of an Order of sanctions against Defendant's Counsel Sean M. Rodriguez, pursuant  
28 to Fed. R. Civ. P. 11(b) and in support thereof, state as follows:

29 **I. INTRODUCTION**  
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31 1. Litigation is not a game. The federal courts are not a vehicle for litigants, whether  
32 *pro se* or represented, to harass others by filing frivolous claims which wholly lack any  
33 conceivable merit under the existing facts or law. Rodriguez has litigated, or attempted to

litigate, various versions of the same claims presented here, arising out of the same facts and against the same parties, to wit, **Plaintiff's purported and imaginary "sex life."** **Plaintiff is an overweight, middle aged woman in her 50s, and is disgusted by this misogynist commentary attempting to paint her as a trollup, being so far from truth.**

2. **Thus far, he has been unsuccessful in providing not one scintilla of direct or circumstantial evidence in support.** Because of Rodriguez's numerous, meritless filings, Plaintiff has been forced to defend herself against multiple allegation— spending hundreds of thousands of dollars in attorneys' fees and expenses and wasting valuable resources in the process. Rule 11 sanctions in this matter are appropriate to deter future abusive litigation that may be contemplated by Rodriguez, desperate to sexualize Plaintiff to cause great anxiety, and to compensate Plaintiff for the amounts she has incurred in responding to the instant matter.

## **I. ~~RELEVANT~~ PERTINENT FACTS**

3. These matters began their tortured history in the Superior Court for and in the County of Contra Costa (the "the State Court"). See Family and Children's Service v. Andrea C. Wood (Superior Court No. J17-00913, J17-00914) where plaintiff was continuously "slut shamed" by social workers Judith Lawrence and Kellie Case even resorting harassing then 12 year old HP as to whether he could hear his mother having sex and moaning. Hon. Lois Haight put in the record words to the effect that "there have been

many men” and in front of Plaintiff’s children to state that their father was not sure or not known. Plaintiff was a married woman and her now deceased husband is the father of their children. Reluctantly, Plaintiff was forced to bring a civil rights suit in the Northern District of California styled as 19-cv-4266-MMC Wood v. County of Contra Costa, et. al, to forestall these and other violations of Plaintiff’s Federally protected rights.

4. On August 30, 2019, Rodriguez decides to jump on the bandwagon in a Reply to an Opposition to Motion to dismiss (ECF No.22) when he “slut shames” Plaintiff by needing to restate the violations of Case, Lawrence and Haight the besmirches the decorum of the District Court (p.19, line 11 to line 13). A copy of the Reply of the August 30, 2019 is attached herein as Exhibit “A”

5. Rodriguez ignores in his recent filing that the “slut shames” “as equally groundless and devoid of merit as they were in Superior Court.”

6. In self-defense, Plaintiff has been forced to say:

Contra Costa County continues to defame Ms Wood with unfounded misogynistic sexual comments. In reality, Ms Wood is a middle aged, 200 pound, 50 year old high society lady. She was a Manhattan debutante, a retired sustainer of San Francisco’s prestigious Junior League, the current Registrar for the Colonial Dames of the 17th Century, former Chapter Treasurer of the Daughters of the American Revolution, served her community as Chairman of Helping Hands, and a volunteer Reserve Firefighter. Ms Wood has a distinguished and well distinguished career as a former Vice President of Wells Fargo Bank, Registered Principal, Vice President and Branch Manager at Raymond James. Member of Who’s Who. She was an Executive’s Club Member and Senior Financial Consultant for Merrill Lynch, she won many awards and accolades there and at Morgan Stanley.



It is a highly inflammatory and offensive position to take that and Wood has any adverse sexual history just because she is a female. That is precisely what has occurred. Ms. Wood has never had a criminal record, nor drug use, and there is no reason for this horrific disgraceful character assassination. **This is boring old rhetoric and Sean Rodriguez should be both ashamed of himself as well as reprimanded for this slander of Ms Wood. They offer no proof as there is none. Time to stop “slut-shaming” women. Mr Rodriguez needs to take some much needed #MeToo training.**

## II. APPLICABLE LAW AND ARGUMENT

7. Rule 11 allows a court to impose sanctions on a party who has presented a pleading, motion or other paper to the court without evidentiary support or for “any improper purpose.” See Fed. R. Civ. P. Rule 11 (b). An improper purpose may be inferred from the filing of frivolous papers. See *In re Kunstler*, 914 F.2d 505, 518 (4th Cir. 1990). The standard is an objective one; whether a reasonable party would have acted in a particular way. See *Chambers v. NASCO Inc.*, 501 U.S. 32, 47 (1991). “The reasonableness of the conduct involved is to be viewed at the time counsel or the party signed the document alleged to be the basis of the Rule 11 sanction.” *Sussman v. Salem, Saxon and Nielsen, P.A.*, 150 F.R.D. 209, 213 (M.D. Fla. 1993). The purpose of Rule 11 sanctions is to “reduce frivolous claims, defenses, or motions, and to deter costly meritless maneuvers.” *Massengale v. Ray*, 267 F.3d 1298, 1302 (11th Cir. 2001); see also, *Sussman*, 150 F.R.D. at 213 (“this Court recognizes Rule 11’s objectives, which include: (1) deterring future litigation abuse, (2) punishing present litigation abuse, (3) compensating victims of litigation abuse, and (4) streamlining court dockets and facilitating case management”).

8. In the Eleventh Circuit, “three (3) types of conduct warrant Rule 11 sanctions: (1) when a party files a pleading that has no reasonable factual basis; (2) when a party files a pleading that is based on legal theory that has no reasonable chance of success and that cannot be advanced as reasonable argument to change existing law; and (3) when a party files a pleading in bad faith or for improper purpose.” *Didie v. Howes*, 988 F.2d 1097 (11th Cir. 1993) (citations omitted). Rule 11 sanctions are mandatory when a signed paper is submitted to the court under the aforementioned conditions. See *Schramek v. Jones*, 161 F.R.D. 119, 122 (M.D. Fla. 1995) (emphasis added).

9. Although Rule 11 specifically contemplates sanctions in the form of an award of attorneys fees, the award of fees “is but one of several methods of achieving the various goals of Rule 11.” See *Doering v. Union County Bd. of Chosen Freeholders*, 857 F.2d 191, 194 (3d Cir. 1988). In fact, Rule 11 states that “[t]he sanction may include nonmonetary directives.” See Rule 11(c)(4). Numerous courts have held that injunctive sanctions are appropriate to regulate the activities of abusive litigants. See *Christensen v. Ward*, 916 F.2d 1485 (10th Cir. 1990); see also *Tripoti v. Beamon*, 878 F.2d 351, 353 (10th Cir. 1989); *Merrigan*, *supra*; *In re Green*, 669 F.2d 779, 781-85 (D.C. Cir.1981); *Franklin v. Murphy*, 745 F.2d 1221, 1229-36 (9th Cir. 1984); *Ruderer v. United States*, 462 F.2d at 899 n.2 (listing cases); *In re Martin-Trigona*, 737 F.2d 1254, 1264-74 (2d Cir. 1984).

10. Rule 11 does not enumerate factors a court should consider in deciding the

appropriate sanction for a Rule 11 violation. See Fed. R. Civ. P. 11 Advisory Committee Notes (1993). Rather, a trial court has broad discretion to choose the nature and the amount of the sanction to achieve the deterrent purposes of Rule 11. See DiPaolo v. Moran, 407 F.3d 140, 146 (3rd Cir. 2005).

11. In the instant matter, monetary sanctions, together with injunctive sanctions enjoining Rodriguez from filing future statements about Plaintiff's sex life are appropriate.

12. Rodriguez should no longer should be allowed to cause Plaintiff to incur hundreds of thousands of dollars in fees and costs necessary to respond to his frivolous claim whether original or parroted back. .

#### IV.CONCLUSION

13. For the foregoing reasons, Plaintiff respectfully request that this Court enter an Order of sanctions against Rodriguez and (a) award to Plaintiff her reasonable attorneys' fees, costs and expenses incurred in responding to the instant action; (b) enjoin Rodriguez from filing any similar "slut shames" in his filings civil action against Plaintiff.

**RULE 11(c)(2) CERTIFICATE**

Pursuant to Rule 11(c)(2), I hereby certify that on the \_\_\_<sup>th</sup> day of September, 2019, personally had a process server deliver to the hands of Rodriguez together with a letter stating as follows:

Pursuant to Fed. R. Civ. P. 11(c) (2), attached is a service copy of the Fed. R. Civ. P. 11 Motion for Sanctions of Andrea C. Wood ("Motion for Sanctions") which we are providing to you. We demand that you withdraw with prejudice all your claims against Andrea C. Wood's purported sex life within 21 days of the date of this letter. If Federal Defendants refuse to dismiss your claims against Andrea C. Wood then we will be forced to file the attached Motion for Sanctions with the Court.

Dated: September 29, 2019  
Orinda, Cal. 94563



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Andrea C. Wood

Andrea C. Wood



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**Exhibit “A”**