Cheryl Kelmar, JD & MSEE (Pro Se)
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805 869-8583

United States District Court for the Central District of California

Cheryl Kelmar Plaintiff vs. EdFinancial Services LLC **Defendant**	**Case No. 2:26-cv-03554-AS** PLAINTIFF'S MOTION TO CORRECT JOINT RULE 26(f) REPORT AND FOR SANCTIONS UNDER RULE 16(f)

NOTICE OF MOTION

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Cheryl Kelmar, appearing pro se, moves for an order correct the Joint Rule 26(f) Report and impose appropriate sanctions under Federal Rule of Civil Procedure 16(f), or grant such other relief as the Court deems appropriate. The motion is based on this Notice, the accompanying memorandum, Plaintiff's declaration, the Joint Rule 26(f) Report, the attached email correspondence, and the record in this action.

Hearing Date: _____ Time: _____ Courtroom: _____

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Cheryl Kelmar respectfully moves to correct the Joint Rule 26(f) Report filed in this action and requests appropriate sanctions under Federal Rule of Civil Procedure 16(f) because **Plaintiff did not give that authorization.**

The report itself separates Plaintiff's and Defendant's positions in several sections. Plaintiff is not challenging Defendant's right to state its own position. **The problem is the separate signature certification, which states that the content of the document was acceptable to all parties and that Plaintiff authorized defense counsel to affix her electronic signature.** That certification was NOT authorized.

Defense counsel's October 1, 2026, email, sent in response to Plaintiff's third request to meet and confer, states: “We do not need to meet and confer on your intended motion for sanctions. Exhibit A. Your motion is baseless. **We did not make any representation regarding your positions in the Rule 26(f) Report we filed**.” The email is important because it confirms counsel's position while the filed report contains an express certification that the document was acceptable to all parties and that Plaintiff authorized her electronic signature. which she did not. Exhibit B.

II. THE FILED REPORT CONTAINS AN EXPRESS AUTHORIZATION CERTIFICATION

The Joint Rule 26(f) Report states that the parties participated in a Rule 26(f) conference and that the report contains agreed proposals and respective positions where the parties did not agree. The report's discovery section also contains a bracketed instruction to Plaintiff: “[Ms. Kelmar: Please complete this section and return.]”

Most importantly, the report contains the following signature certification by defense counsel: “I, Mollie F. Benedict, hereby certify that the content of this document is acceptable to all parties and that I have obtained authorization from Plaintiff Cheryl Kelmar to affix her electronic signature to this document.” Plaintiff disputes that she gave that authorization.

Attorney Mollie Benedict has a history of acting without integrity. See www.thejudgesoath

III. COUNSEL'S OCTOBER 1 EMAIL DOES NOT RESOLVE THE PROBLEM

Plaintiff attempted to address the issue before filing. In the October 1, 2026, email, defense counsel stated that no meet and confer was necessary concerning Plaintiff's intended sanctions motion and stated that Defendant had not made any representation regarding Plaintiff's positions in the Rule 26(f) Report.

Plaintiff does not need the Court to resolve counsel's characterization of the report in order to correct the record. The Court can compare counsel's email with the report itself. The report does not merely omit Plaintiff's positions. It contains an affirmative certification that the content is acceptable to all parties and that Plaintiff authorized counsel to affix her electronic signature. Plaintiff therefore asks the Court to correct the record rather than infer that Plaintiff agreed to the report simply because counsel filed it and included an authorization certification.

IV. RULE 16(f) PROVIDES A BASIS FOR SANCTIONS WHERE ITS REQUIREMENTS ARE SATISFIED

Federal Rule of Civil Procedure 16(f)(1) permits the Court, on motion or on its own, to issue just orders if a party or attorney fails to appear at a scheduling or other pretrial conference, is substantially unprepared or does not participate in good faith or fails to obey a scheduling or pretrial order. Rule 16(f)(2) further addresses reasonable expenses caused by noncompliance, subject to the rule's qualifications.

Plaintiff requests Rule 16(f) punitive sanction of $5,000 because defendants' attorney filed a report with Plaintiff's electronic signature stating that she agreed to the contents when Plaintiff specifically stated that she did NOT. This is fraud that should be punished.

V. THE COURT SHOULD CORRECT THE RECORD REGARDLESS OF WHETHER IT IMPOSES A SANCTION

The report also leaves Plaintiff's discovery-subject section incomplete. Plaintiff should be permitted to submit a supplemental statement identifying the discovery she anticipates needing. This will allow discovery to proceed on an accurate record.

VI. REQUEST FOR SANCTIONS

Plaintiff expressly requests sanctions under Rule 16(f) of $5,000 and under Rule 16(f)(2). This present request is based on Rule 16(f) and the Court's case-management authority.

VII. REQUESTED RELIEF

1. Strike, disregard, or otherwise correct the signature certification on page 8 of the Joint Rule 26(f) Report to the extent it represents that Plaintiff authorized defense counsel to affix Plaintiff's electronic signature or agreed that the report's content was acceptable to her.

2. Order that the Joint Rule 26(f) Report shall not be treated as an admission, stipulation, or judicial admission by Plaintiff concerning any disputed factual or procedural matter.

3. Permit Plaintiff to file a corrected or supplemental Rule 26(f) statement, including a complete statement of the discovery subjects she anticipates needing.

4. Order sanctions under Rule 16(f) of $5,000 for what is fraud – affixing a signature without that person's permission. and Rule 16(f)(2).

6. Order that future joint filings shall not include an electronic signature attributed to Plaintiff through defense counsel unless Plaintiff has expressly authorized that procedure.

7. Grant such other and further relief as the Court deems just and proper.

VIII. CONCLUSION

Plaintiff respectfully requests correction of the Rule 26(f) Report and an express ruling on her Rule 16(f) sanctions request. The issue is narrow: whether Plaintiff authorized the representation that the report was acceptable to all parties and authorized defense counsel to affix her electronic signature. Plaintiff states that she did not.

DECLARATION

I, Cheryl Kelmar, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the facts stated in the accompanying motion are true and correct based upon my personal knowledge and review of the records and evidence in this case. I submit this declaration in support of Plaintiff's motion and respectfully request that the Court consider the facts and supporting exhibits in determining the relief requested.

DATED: October 3, 2026.

Respectfully submitted,

Cheryl Kelmar

CHERYL KELMAR
Plaintiff, Pro Se
805-869-8583
Cheryl@medicalworks.com

CERTIFICATE OF SERVICE

I certify that on October 5, 2026, I served a true and correct copy of the foregoing document on counsel of record by certified mail.

Cheryl Kelmar

CHERYL KELMAR

DECLARATION IN SUPPORT OF MOTION TO CORRECT RULE 26(f) REPORT AND FOR SANCTIONS

DECLARATION OF CHERYL KELMAR

I, Cheryl Kelmar, declare as follows:

1. I am the Plaintiff in this action and am appearing pro se.

2. I reviewed the Joint Rule 26(f) Report filed in this action.

3. I did not authorize Mollie F. Benedict, or any other attorney for EdFinancial, to state that the entire Rule 26(f) Report was acceptable to me.

4. I did not authorize Mollie F. Benedict, or any other attorney for EdFinancial, to affix my electronic signature to the Rule 26(f) Report.

5. I did not intend to sign or adopt the report through defense counsel's signature certification.

6. On October 1, 2026, defense counsel responded to my third request to meet and confer by email. Counsel stated that a meet and confer was not necessary concerning my intended sanctions motion, characterized the motion as baseless, and stated that Defendant had not made any representation regarding my positions in the Rule 26(f) Report.

7. I am submitting the October 1, 2026 email as an exhibit so the Court can consider counsel's stated position together with the actual certification contained in the filed Rule 26(f) Report.

8. I request that the Court correct the record and expressly consider whether sanctions under Rule 16(f) are appropriate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 3, 2026, at Santa Barbara, California.

Cheryl Kelmar

CHERYL KELMAR

EXHIBIT A

Plaintiff's refusal of the content in defendant Rule 26 report

Re: Kelmar v. Edfinancial Services, LLC - Proposed Joint Rule 26(f) Report

To Bird, Roylance L. on 2026-09-26 16:07

Details

I do NOT AGREE to this report. It is more a legal argument in favor of EdFinancial than it is a report of what was discussed. I can file my own disagreeing with your mischaracterization of facts and adding the fraud that you were allowed to get away with in state court (you being EdFinancial - Mollie)

EXHIBIT B

October 1, 2026 Email from Defense Counsel

RE: Kelmar v. Edfinancial Services, LLC - THIRD REQUEST TO MEET AND CONFER

From Bird, Roylance L. on 2026-10-01 13:54

Details Plain text

Ms. Kelmar,

We do not need to meet and confer on your intended motion for sanctions. Your motion is baseless. We did not make any representations regarding your positions in the Rule 26(f) Report we filed.

Lance Bird | Attorney | Tucker Ellis LLP

515 South Flower Street | Forty-Second Floor | Los Angeles, CA 90071

Direct: 213-430-3010 | Fax: 213-430-3409 | Mobile: 213-783-0124

roylance.bird@tuckerellis.com Online biography

tuckerellis.com

PROPOSED ORDER

Plaintiff's Motion to Correct Joint Rule 26(f) Report and for Sanctions

The Court, having considered the motion, the record, and any opposition and reply, ORDERS:

1. The signature certification on page 8 of the Joint Rule 26(f) Report shall not be treated as establishing that Plaintiff authorized defense counsel to affix Plaintiff's electronic signature or agreed that the report was acceptable to her in its entirety.

2. The Joint Rule 26(f) Report shall not be treated as an admission or stipulation by Plaintiff concerning disputed factual or procedural matters.

3. Plaintiff may file a corrected or supplemental Rule 26(f) statement within ___ days.

4. The Court determines that: _____ [Rule 16(f) sanctions / no sanctions / other relief].

5. Any further relief concerning sanctions or expenses shall be addressed consistent with Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

DATED: _____

_____

UNITED STATES DISTRICT JUDGE

Cheryl Kelmar, JD & MSEE (Pro Se)
P.O. Box 367
Santa Barbara, CA 93102
Cheryl@medicalworks.com
805 869-8583

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

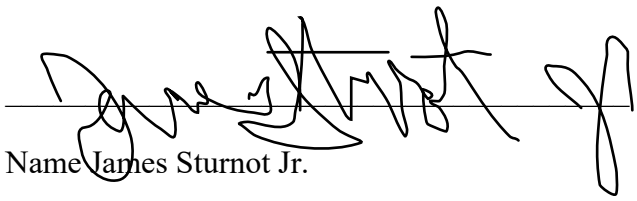
Cheryl Kelmar
Plaintiff
vs.
EdFinancial Services LLC
Defendants

Case No. 2:26-cv-03554-AS

Proof of Service

I, James Sturnot, declare that I am a resident of the County of Santa Barbara, State of California. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action. I certify that on the 23th day of September, I served true copies of the following: PLAINTIFF'S MOTION TO CORRECT JOINT RULE 26(f) REPORT AND FOR SANCTIONS UNDER RULE 16(f) and PLAINTIFF'S MOTION FOR RECUSAL AND DISQUALIFICATION OF THE ASSIGNED JUDGE PURSUANT TO 28 U.S.C. §§ 144 AND 455 NOTICE OF THE LIMITED BASIS FOR THIS MOTION, by personally delivering at the following address within the County and city of Santa Barbara by mailing by first class mail, with postage prepaid, addressed as follows: Mollie Benedict of **Tucker Ellis LLP** 515 South Flower Street 42nd Floor Los Angeles, CA 90071I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made is subject to penalty for perjury.

Dated October 5, 2026



Signature of Server

Name James Sturnot Jr.

Address: 1210 Del Oro, SB, CA 93109