

ROSTON v. EDWARDS 127 Cal.App.3d 842 (1982)

W. Patrick O'Keefe, Jr., Costello & Walcher, Edward J. Costello, Jr., and Keith Scheuer for Defendants and Respondents.

The judgments of dismissal in the Edwards action and the Montessori Schools action are reversed and the trial courts are directed: (1) to vacate their orders requiring plaintiffs to furnish security as vexatious litigants, and (2) to return these actions to the civil active list for further proceedings.

?FN 2. Defendants, in their zeal to present a portrait of plaintiff Roston (and his enterprises) that would enhance their position, made reference to a multitude of cases which were inappropriate for consideration by the trial court. Some were small claims cases; in many the plaintiff Roston prevailed; in many he was the party defendant; and, most patently erroneous, many cases dated back to 1965 and 1966. While we will not gratuitously speculate why such cases were presented to the court, it seems obvious the reason was not to support the motion, because they did not fall within the applicable seven-year period. The presentation of such matter, if designedly done, is certainly to be discouraged. **One might mistake it for an attempt to inflame the court against a party to the action.**