

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**



**PRO HAC VICE APPLICATION,
ECF REGISTRATION AND CONSENT
TO ELECTRONIC SERVICE,
PROPOSED ORDER**

James McDonald

Plaintiff,

Case No. 1:11-CV-01759-AWI-MJS

v.

Schwan's Home Service, Inc., a
Minnesota corporation,

Defendant.

I, Alan L. Rupe, attorney for Schwan's Home Service, Inc., a Minnesota corporation, hereby petition for admission to practice Pro **Hac** Vice under the provision of Local Rule **180(b)(2)**. I understand and consent to ECF Registration and Electronic Service as detailed below and I have submitted payment in the amount of \$180.00 to the Clerk, U.S. District Court. In support of this petition, I state under penalty of perjury that:

My business address is:

Firm Name: Kutak Rock LLP
Address: 1605 N. Waterfront, Suite 150
City: Wichita
State: Kansas ZIP Code: 67206
Voice Phone: (316) 609-7900
FAX Phone: (316) 630-8021
Internet E-mail: alan.rupe@kutakrock.com
Additional E-mail: wichita.L&E@kutakrock.com
I reside in City: Wichita State: Kansas

~~1994~~, I am presently in good standing and eligible to practice in said court. A certificate of good standing from the court in my state of primary practice is attached to this application. I am not currently suspended or disbarred in any other court. **OTHER COURT ADMISSIONS ARE ATTACHED.**

I have have not concurrently or within the year preceding this application made a pro hac vice application to this court. (If you have made a pro hac vice application to this court within the last year, list the name and case number of each matter in which an application was made, the date of application and whether granted or denied.)

I hereby designate the following member of the Bar of this Court who is registered for ECF with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom electronic notice shall also be served via the court's ECF system:

Name: Gary N. Lento, Bar No. 225118
Firm Name: Baker Manock & Jensen, PC
Address: 5260 N. Palm Avenue, Fourth Floor
City: Fresno
State: CA ZIP Code: 93704
Voice Phone: (559) 432-5400
FAX Phone: (559) 432-5620
E-mail: glento@bakermanock.com

Dated: 11/3/11

Petitioner: 

ORDER

IT IS SO ORDERED.

Dated: 11/16/11



JUDGE, U.S. DISTRICT COURT

Beginning January 3, 2005, all cases filed and pending in the Eastern District of California are subject to electronic filing, service (ECF) and electronic case storage procedures (CM). This form shall be used to register for accounts on the Court's Electronic Case File (ECF) system which permits electronic filing.

By submitting this Petition to Appear Pro **Hac** Vice and ECF Registration Form, I understand:

1. Registration herein is for ECF use only in cases proceeding in the U.S. District Court for the Eastern District of California.
2. Each attorney who wishes to appear in the Eastern District pro **hac** vice must complete and sign an Attorney Registration Form. An attorney's password issued by the court combined with the attorney's identification (login), serves as and constitutes the attorney signature. Therefore, an **attorney/participant** must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person with authority to use the password, it is the duty and responsibility of the **attorney/participant** to immediately notify the court. The court will immediately delete the password from the electronic filing system and issue a new password.
3. Unless an attorney expressly declines to consent (**see** below) registration as a Filing User constitutes: (1) consent to receive service electronically and waiver of the right to receive service by first class mail pursuant to Federal Rule of Civil Procedure **5(b)(2)(D)**; (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure **5(b)(2)(D)**. Note: Service of Summons and Complaint pursuant to Federal Rule of Civil Procedure 4 are not encompassed by electronic service. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Service by electronic means is complete upon transmission of the Notice of Electronic Filing.
4. A user accesses court information via the court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. PACER involves a separate, free registration. Although the court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required, in addition to, the password issued by the court. To register for PACER, a user must complete the online form or submit a registration form, available on the PACER **website** (<http://pacer.psc.uscourts.gov>).
5. By this registration, I understand that the specific procedures which control electronic filing can be found in the Local Rules and CMIECF User's Manual, all of which can be accessed on the Court's **website**. Please periodically access these Rules and Manual in order to understand electronic filing requirements, and any changes which may be later implemented. Serious **and/or** sustained failure to abide by those procedures may result in a termination of electronic filing privileges which are a prerequisite to practice in the Eastern District.

Notice Regarding Non-Consent to Electronic Service. An attorney may expressly forego consenting to service and receipt of filed documents by electronic service pursuant to Federal Rule of Civil Procedure **5(b)(2)(D)**. This decision not to consent must be by separate document in writing addressed to the Office of the Clerk. Parties not consenting to electronic service must serve by the other methods specified in Rule 5.

The court strongly urges that all attorneys consent to serve and receive service of filed documents by means of electronic service. There is no significant downside to such consent and universal participation in electronic service will benefit all concerned. Failure to consent to electronic service does not relieve attorneys of the obligation to file documents electronically when required to do so or otherwise abide by **CM/ECF** procedures.

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
DISTRICT OF KANSAS

TIMOTHY M O'BRIEN
CLERK
INGRID A. CAMPBELL
CHIEF DEPUTY CLERK

259 ROBERT J. DOLE U.S. COURTHOUSE
500 STATE AVENUE
KANSAS CITY, KANSAS 66101
(913) 551-6719

Kansas City, Kansas
October 27.2011

204 U.S. COURTHOUSE
401 N. MARKET
WICHITA, KANSAS 67202
(316) 269-6491

490 U.S. COURTHOUSE
444 S.E. QUINCY
TOPEKA, KANSAS 66683
(785) 285-2610

To Whom It May Concern:

RE: Alan L. Rupe
United States District Court for the District of Kansas
Attorney ID No. 08914

Enclosed for your information and file is a Certificate of Good Standing in connection with the above-referenced attorney.

Further, please be advised that this office knows of no grievances or other charges filed in the last five years against this attorney.

Sincerely,

TIMOTHY M. O'BRIEN, CLERK


Marla Gonzales
Deputy Clerk

UNITED STATES DISTRICT COURT

DISTRICT OF

KANSAS

CERTIFICATE OF
GOOD STANDING

I, TIMOTHY M. O'BRIEN, Clerk of this Court)

certify that Alan L. Rupe, Bar # 08914,

was duly admitted to practice in this Court on

September 12, 1975, and is in good standing
DATE

as a member of the Bar of this Court.

Dated at Kansas City, Kansas on October 27, 2011.
LOCATION- DATE

TIMOTHY M. O'BRIEN
CLERK

Marla Gonzalez
DEPUTY CLERK

Court Admissions Wichita, KS Attorneys

Alan L. Rupe
State/Court Admissions

<u>Jurisdiction</u>	<u>Date Admitted</u>	<u>Bar Number</u>
<u>State</u>		
State of Kansas	09/12/1975	08914
State of Missouri	02/10/2004	56013MO
State of Oklahoma	04/04/2005	20440
State of Texas	09/14/2000	24028461
State of Arkansas	07/01/2008	2008115
State of Montana (pending)		

Federal Courts of Appeals

U.S. Court of Appeals, Fifth Circuit	01/18/1994	
U.S. Court of Appeals, Sixth Circuit	04/12/2007	
U.S. Court of Appeals, Eighth Circuit	12/10/2004	04-0787
U.S. Court of Appeals, Tenth Circuit	06/10/1979	

Federal Courts

U.S. District Court, Eastern and Western Districts of Arkansas	06/29/2007	
U.S. District Court for the District of Colorado	09/30/1997	
U. S. District Court for the District of Kansas	09/12/1975	08914
U.S. District Court, Eastern District of Missouri	08/24/2005	
U.S. District Court, Western District of Missouri	07/22/2004	KS-000473
U.S. District Court, Eastern District of Texas	11/01/2005	
U.S. District Court, Northern District of Texas	12/28/2004	24028461
U.S. District Court, Western District of Texas	8/6/2010	24028461
U.S. District Court, Southern District of Texas	7/28/2011	342634
U.S. District Court, Northern District of Oklahoma	07/13/2006	20440
U.S. District Court, Western District of Oklahoma	06/01/2006	06-82
U.S. Supreme Court	11/30/1981	

1 Gary N. Lento #225118
Andrew H. Woo #261120
2 BAKER MANOCK & JENSEN, PC
5260 North Palm Avenue, Fourth Floor
3 Fresno, California 93704
Telephone: 559.432.5400
4 Facsimile: 559.432.5620

5 Attorneys for Defendant SCHWAN'S HOME SERVICE, INC.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

9

10 JAMES McDONALD,

Case No. 11-CV-01759-AWI-MJS

11 Plaintiff,

**CONSENT TO DESIGNATION BY ALAN
L. RUPE, ESQ.**

12 v.

13 SCHWAN'S HOME SERVICE, INC., a
Minnesota corporation; and DOES 1-20,
14 inclusive,

15 Defendants.

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I hereby consent to my designation by Alan L. Rupe, Esq., as counsel with whom
the Court and opposing counsel may readily communicate regarding the conduct of this case and
upon whom papers shall be served.

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DATED: November 9, 2011

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BAKER MANOCK & JENSEN, PC

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By: 

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Gary N. Lento

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Attorneys for Defendant SCHWAN'S HOME
SERVICE, INC.

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