

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 **TREVOR WEEKS,**

9 **Plaintiff**

10 **v.**

11 **UNION PACIFIC RAILROAD CO.,**

12 **Defendant**

CASE NO. 1:13-CV-1641 AWI JLT

**ORDER ON PLAINTIFF’S REQUEST
TO STRIKE NOTICES OF
ATTORNEYS’ LIENS**

(Doc. No. 166)

13
14
15 On February 8, 9, and 10, two of Plaintiff’s former attorneys filed notices and amended
16 notices of liens for services rendered against any recovery or settlement in Plaintiff’s favor.¹ See
17 Doc. Nos. 160, 163, 164, 165.

18 On February 12, 2018, Plaintiff’s current counsel filed an ex parte application to strike
19 each of the lien notices. See Doc. No. 166. As part of that application, Plaintiff states that if the
20 Court will not strike the notices on its own, “Plaintiff would like to file a formal motion . . . on the
21 grounds that the documents contain untrue, frivolous and scandalous statements that have no
22 evidentiary support but are filed for improper purposes” Id.

23 At this time, the Court finds that a formal motion is advisable. As part of the motion,
24 Plaintiff should include a discussion regarding the propriety and legal authority for his former
25 attorneys to file the notice of lien in this Court.²

26
27 ¹ On January 12, 2018, a notice of settlement had been filed. See Doc. No. 158.

28 ² The Court is not limiting the content of Plaintiff’s motion, rather the Court is requesting that this specific issue be
addressed in addition to any other point that Plaintiff wishes to raise.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's ex parte application (Doc. No. 166) is DENIED without prejudice to refile a "formal motion";
2. Within ten (10) days of service of this order, Plaintiff may file a "formal motion" to strike the notices of liens by his formal counsel;'
3. Within seven (7) days service of Plaintiff's "formal motion," his former counsel may file an opposition to the motion; and
4. Within three (3) days of service of the opposition, Plaintiff may file a reply.³

IT IS SO ORDERED.

Dated: February 13, 2018



SENIOR DISTRICT JUDGE

³ The Court encourages Plaintiff and his former counsel to meet and confer regarding the liens.