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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUCARIA TENORIO, et al., on behalf of
themselves and all others similarly situated
and in the interest of the general public,

Plaintiffs,

v.

GABRIEL GALLARDO SR., an
individual; MANUEL GALLARDO, an
individual; SILVIA ESTHER
GALLARDO, an individual; KERN
COUNTY CULTIVATION, INC., a
California corporation; and NAZAR
KOONER, an individual; PAWAN S.
KOONER, d/b/a PAWAN KOONER
FARMS; HARDEEP KAUR, an
individual,

Defendants.

No. 1:16-cv-00283-DAD-JLT

ORDER TO SHOW CAUSE

(Doc. No. 38)

On February 24, 2017, attorneys Belden, Blaine, Raytis, LLP (“BBR”) filed a motion to withdraw as counsel of record for defendants Gabriel Gallardo, Sr., Manuel Gallardo, Silvia Gallardo, and Kern County Cultivation, Inc. (Doc. No. 38.) Counsel T. Todd England of BBR filed a declaration in support of that motion. (Doc. No. 39.) In this declaration, attorney England states:

Defendants have instructed BBR to discontinue representation of Defendants and stop all work related to the above captioned case.

1 Defendants do not respond in a timely manner to important
2 communications made by BBR to them, thus hindering BBR's
3 ability to properly and adequately represent Defendants in the
above captioned case.

4 Defendants have not paid BBR for fees and costs due and owing
5 associated with BBR's representation of them with respect to the
above captioned case.

6 Defendants have informed BBR that they are unable to pay the fees
7 incurred.

8 BBR notified Defendants that it would be withdrawing as
9 Defendants' counsel in this action. A copy of this motion is being
10 served by mail and e-mail on Defendants along with a letter
informing defendant Kern County Cultivation, Inc., that if this
motion is granted, it will be required to obtain new counsel because
a corporation may appear in the federal courts only through
licensed counsel.

11 (Doc. No. 39 at 2.) On April 4, 2017, the same day as the noticed hearing on the motion to
12 withdraw, defendants Gabriel Gallardo, Sr., Manuel Gallardo, Silvia Gallardo, and Kern County
13 Cultivation, Inc. filed a signed declaration stating that they consented to the withdrawal of their
14 counsel of record. (Doc. No. 54.) In addition, no opposition to the motion to withdraw was filed.
15 The motion came before the court for hearing on April 4, 2017. Defendant's counsel T. Todd
16 England appeared telephonically and plaintiffs' counsel Marco Palau appeared telephonically.
17 (Doc. No. 55.) Defendants Gabriel Gallardo, Sr., Manuel Gallardo, Silvia Gallardo, and Kern
18 County Cultivation, Inc., were not present.

19 At the hearing, attorney England indicated that his clients were actively seeking new
20 counsel but had not yet retained anyone. Consequently, granting counsel England's motion at
21 this time would leave defendants Gabriel Gallardo, Sr., Manuel Gallardo, and Silvia Gallardo *in*
22 *propria persona* and potentially would result in defendant Kern County Cultivation, Inc.'s answer
23 being stricken and default judgment against it since the corporation cannot appear without
24 counsel. See E.D. Cal. L. R. 183(a); *Rowland v. Calif. Men's Colony, Unit II Men's Advisory*
25 *Council*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries . . .
26 that a corporation may appear in the federal courts only through licensed counsel."); *Rojas v.*
27 *Hawgs Seafood Bar, Inc.*, No. C08-03819, 2009 WL 1255538, at *1 (N.D. Cal. 2009) ("When a
28 corporation fails to retain counsel to represent it in an action, its answer may be stricken and a

1 default judgment entered against it.”). The court is not prepared to proceed in this fashion
2 without hearing directly from these defendants as to their intentions with respect to their
3 representation in this litigation.

4 Accordingly,

5 (1) The court continues the hearing on counsel’s motion to withdraw as attorney of record
6 to May 2, 2017, at 9:30 AM in Courtroom 5 (DAD) before District Judge Dale A.

7 Drozd;

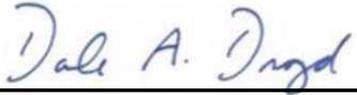
8 (2) The court issues an order to show cause requiring defendants Gabriel Gallardo, Sr.,
9 Manuel Gallardo, and Silvia Gallardo¹ to either personally appear at the May 2, 2017
10 hearing or to arrange for telephonic appearance through their counsel of record no
11 later than seventy-two (72) hours before the May 2, 2017 hearing;

12 (3) If defendants Gabriel Gallardo, Sr., Manuel Gallardo, Silvia Gallardo, and Kern
13 County Cultivation, Inc. retain new counsel and file a substitution of counsel with the
14 court before May 2, 2017, the court will vacate the May 2, 2017 hearing²; and

15 (4) If defendants Gabriel Gallardo, Sr., Manuel Gallardo, Silvia Gallardo, and Kern
16 County Cultivation, Inc. fail to abide by this order, sanctions will be imposed. *See*
17 *Chambers v. NASCO, Inc.*, 501 U.S. 32, 42–46 (1991) (recognizing that it is within the
18 inherent authority of the court to control its docket and require compliance with its
19 orders).

20 IT IS SO ORDERED.

21 Dated: April 4, 2017

22 
UNITED STATES DISTRICT JUDGE

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24
25 ¹ Defendants’ April 4, 2017 consent to withdrawal indicates that defendant Silvia Gallardo is the
26 president of defendant Kern County Cultivation, Inc. (Doc. No. 54 at 3.)

27 ² This would obviously be in the defendants’ best interest in light of the situation outlined in their
28 current counsel’s motion to withdraw, their written consent to that withdrawal filed in this action
and this order.