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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	NICOLE LYON,	No. 1:16-cv-00401-DAD-SKO	
12	Plaintiff,		
13	v.	ORDER TO SHOW CAUSE WHY	
14	BERGSTROM LAW, LTD.,	ATTORNEYS' CONDUCT SHOULD NOT BE REPORTED TO THE STATE BARS OF	
15	Defendant.	CALIFORNIA AND NEVADA	
16		ORDER DIRECTING CLERK OF COURT TO SERVE THIS ORDER ON ATTORNEYS	
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18	On July 24, 2017, plaintiff filed a motion for attorney's fees following entry of a default		
19	judgment in plaintiff's favor. (Doc. No. 43.)	Defendant did not file written opposition to the	
20	motion, nor did defendant's counsel of record, Katherine G. Heidbrink, appear at the September		
21	9, 2017 court hearing on plaintiff's motion for an award of attorney's fees and costs. Attorney		
22	Heidbrink failed to provide the court with notice that she would not appear at the hearing, nor has		
23	she provided any justification for her failure to do so. Despite her contention that she no longer		
24	represents defendant, attorney Heidbrink remains defendant's counsel of record in this case		
25	because she has never sought nor been granted leave to withdraw. Because of her failure to		
26	appear, and because of her failure to move to withdraw as defendant's counsel of record in this		
27	case, attorney Heidbrink is hereby ordered to show cause in writing as to why her conduct in this		
28	action should not be referred to the State Bar of California.		
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1	Jeremy Bergstrom is the managing attorney for defendant Bergstrom Law, Ltd. Plaintiff's		
2	counsel in this action has attempted to communicate with attorney Bergstrom on multiple		
2	occasions in an effort to dispose of this matter. However, the record is replete with evidence of		
4	attorney Bergstrom's failure to communicate with opposing counsel in a timely fashion. ¹		
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6	Moreover, it is apparent from the record that defendant Bergstrom Law, Ltd. has failed to comply with a court order to compal discovery responses and to pay atternay's face. (Dec. Nos. 27, 20.)		
	with a court order to compel discovery responses and to pay attorney's fees. (Doc. Nos. 27–29.)		
7	Moreover, although attorney Heidbrink departed her employment with Bergstrom Law, Ltd. but		
8	failed to move to withdraw as counsel of record on behalf of that entity in this action, it is		
9	apparent from the record before this court that attorney Bergstrom was well aware of that		
10	situation, was receiving this court's orders and nonetheless failed to comply with those orders and		
11	abandoned this litigation. Accordingly, attorney Bergstrom is hereby ordered to show cause in		
12	writing as to why his conduct should not be referred to the State Bar of Nevada.		
13	Accordingly,		
14	1. Attorney Heidbrink and attorney Bergstrom are ordered to show cause in writing		
15	within fourteen (14) days of the issuance of this order as to why their conduct should		
16	not be referred to their respective state bars. The parties are forewarned that should		
17	they fail to respond to this order to show cause in writing, as required by this order,		
18	sanctions will likely be imposed. See Chambers v. NASCO, Inc., 501 U.S. 32, 42-46		
19	(1991) (recognizing that it is within the inherent authority of the court to control its		
20	docket and require compliance with its orders);		
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23	/////		
24	¹ Communications from plaintiff's counsel to attorney Bergstrom that have apparently gone unreturned include: (1) an email to attorney Bergstrom and another Bergstrom Law employee on		
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26	September 12, 2016 (Doc. No. 25-2 at ¶¶ 17–18; Doc. No. 25-8.); (2) a meet and confer letter sent by email, fax, and USPS to attorney Bergstrom on September 21, 2016 (Doc. No. 25-2 at ¶¶ 19– 20; Doc. No. 25-9.); (3) an email to attorney Bergstrom on September 26, 2016 (Doc. No. 25-2 at ¶¶ 20–21; Doc. No. 25-10.); and (4) separate emails sent to attorney Bergstrom on September 28, 29, and 30, 2016 (Doc. No. 25-2 at ¶¶ 24–28; Doc. No. 25-11; Doc. No. 25-12; Doc. No. 25-13.).		
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1	2. In addition to ECF service on counsel of record, the Clerk of the Court is also directed		
2	to serve a copy of this order on Katherine G. Heidbrink, Esq. at 1 Huntington		
3	Quadrangle, Ste. 3N05, Melville, NY 11747-4468; and on Jeremy Bergstrom, Esq. at		
4	9555 S. Eastern Avenue, Suite 200, Las Vegas, NV 89123.		
5	IT IS SO ORDERED.		
6	Dated: September 7, 2017	Dale A. Drogd	
7		UNITED STATES DISTRICT JUDGE	
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