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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ARCH INSURANCE COMPANY,

No. 2:12-cv-00617-KJM-KJN

12 Plaintiff,

13 v.

ORDER

14 SIERRA EQUIPMENT RENTAL, INC.,
15 et al.,

16 Defendants.
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18 At the Status (Pretrial Scheduling) Conference on October 30, 2014, Kevin
19 Rooney, counsel for defendant Sierra Equipment Rental, Inc. ("Sierra"), told the court he has no
20 authority to act on behalf of Sierra pursuant to 11 U.S.C. § 327 and asked to be removed as
21 counsel of record. After discussing the matter with the parties, the court ordered the parties to
22 enter a stipulation providing that Mr. Rooney is no longer counsel of record for Sierra. *See* ECF
23 No. 220. Counsel for plaintiff Arch Insurance Company subsequently refused to execute the
24 stipulation, and instead requested that Mr. Rooney file a formal motion to withdraw as counsel
25 under the Local Rules and Rules of Professional Conduct. ECF No. 112. To date, Mr. Rooney
26 has not filed a motion to withdraw as counsel.

27 On July 16, 2015, Mr. Rooney did not appear for defendant Sierra at the Status
28 Conference. Accordingly, the court ordered Mr. Rooney to show cause within fourteen days why


1 he should not be sanctioned in the amount of \$250.00 for failing to appear. ECF No. 146. The
2 court's Order to Show Cause provided, "Although Mr. Rooney previously has indicated his desire
3 to withdraw as counsel, his withdrawal has not been approved by the court and Sierra Equipment
4 Rental, as a corporation, cannot proceed without counsel." *Id.* On August 3, 2015, Mr. Rooney
5 filed a declaration in response to the court's Order to Show Cause, explaining that based on the
6 court's October 30, 2014 Status Conference, he did not believe that he needed to participate any
7 further in this action. ECF No. 148. Because he did not receive a response from the court to his
8 August 3, 2015 Declaration, Mr. Rooney filed a supplemental declaration on January 21, 2016,
9 which has brought the issue back to the court's attention. ECF No. 158.

10 Based on the foregoing, the court orders the following:

- 11 1. The court's July 22, 2015 Order to Show Cause as to Mr. Rooney (ECF
12 No. 146) is hereby DISCHARGED.
- 13 2. Mr. Rooney is ordered to file a formal motion to withdraw as counsel in
14 compliance with the Local Rules and Rules of Professional Responsibility no
15 later than February 11, 2016, set for hearing no later than March 11, 2016.
- 16 3. The motion hearing on plaintiff's Motion for Partial Summary Judgment (ECF
17 No. 153) set for February 12, 2016 is hereby VACATED and RESET for April
18 8, 2016 at 10:00 a.m.

19 IT IS SO ORDERED.

20 DATED: January 27, 2016.

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22 UNITED STATES DISTRICT JUDGE
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