

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,  
Plaintiff,  
v.  
SAEED ZARAKANI, et al.,  
Defendants.

No. 2:14-cv-0696-MCE-KJN

ORDER

On December 29, 2014, the court issued an order to show cause (“OSC”) directing defendant’s counsel of record, William Bernheim, to show cause in writing why the court should not impose sanctions against him personally “for his failure to respond to plaintiff’s discovery requests, failure to file a request for withdrawal of counsel or substitution of counsel with the court, and failure to appear on behalf of his clients at the December 18, 2014 hearing.” (ECF No. 20 at 2.) The OSC required Mr. Bernheim to provide his written response by no later than January 7, 2015. However, Mr. Bernheim failed to respond to that order.<sup>1</sup>

In light of Mr. Bernheim’s failure to respond, and in light of defendant Saeed Zarakani’s statement made during the December 18, 2014 hearing on plaintiff’s motion to compel that he had been notified that Mr. Bernheim intends to withdraw from his representation of defendants in

---


<sup>1</sup> In a separate order to be issued concurrently with the present order, the court is imposing monetary sanctions on Mr. Bernheim for his failure to respond to the court’s OSC.

1 this matter, and Mr. Zarakani's representation that defendants are seeking new counsel, the court  
2 directs Mr. Zarakani to provide the court with a written statement informing the court of whether  
3 defendants have retained new counsel, and if not, whether they are currently seeking to obtain  
4 new counsel in this matter. Alternatively, if defendants have already retained new counsel, new  
5 counsel shall file a substitution of attorney form signed by both new counsel and defendants'  
6 current counsel of record, William Bernheim, in conformance with the requirements of Local  
7 Rule 182(g).

8 Based on the foregoing, IT IS HEREBY ORDERED that **within fourteen (14) days of**  
9 **this order**, defendant **Saeed Zarakani** shall provide the court with a **written statement**  
10 informing the court of whether defendants have retained new counsel, and if not, whether they are  
11 currently seeking to obtain new counsel in this matter. If defendants have already retained new  
12 counsel, new counsel shall file a substitution of attorney form signed by both new counsel and  
13 defendants' current counsel of record, William Bernheim, in conformance with the requirements  
14 of Local Rule 182(g).

15 IT IS SO ORDERED.

16 Dated: January 14, 2015

17   
18 \_\_\_\_\_  
19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE  
21  
22  
23  
24  
25  
26  
27  
28