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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 AND  
ORDER TO SHOW CAUSE

On February 20, 2015, the undersigned issued an order setting this case for a status conference to address defendant’s apparent efforts to substitute out current counsel of record William Bernheim and substitute in attorney Bruce Nielson. (ECF No. 24.) In this order, the undersigned directed then-defendant Saeed Zarakani<sup>1</sup> and defendant’s purported incoming counsel Bruce Nielson to appear at the status conference.

The status conference set by the February 20, 2015 order was held on March 26, 2015. Also before the court was William Bernheim’s motion to withdraw as defendant’s attorney. (ECF No. 26.) Attorney Raymond Ballister appeared on behalf of plaintiff. Attorney William Bernheim appeared on behalf of defendant and on his own behalf. Saeed Zarakani and Bruce

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<sup>1</sup> Saeed Zarakani was dismissed from this case without prejudice by stipulation approved by the presiding district judge on March 11, 2015. (ECF Nos. 28, 30.) However, Mr. Zarakani is also the only known representative of the remaining defendant Mardan, Inc.

1 Neilson failed to appear despite the court's order to do so.

2 For the reasons discussed on the record during the conference, it is HEREBY ORDERED  
3 that:

4 1. William Bernheim's motion to withdraw as defendant's attorney (ECF No. 26) is  
5 GRANTED with the caveat that he first file a statement regarding the information he has with  
6 respect to the addresses of Bruce Nielson, Saeed Zarakani, and Mardan, Inc. by no later than 5:00  
7 p.m. on Friday, March 27, 2015. Once Mr. Bernheim makes such a filing, his motion to  
8 withdraw is granted and he will be relieved of his duty as defendant's counsel. Consequently,  
9 defendant Mardan, Inc. will then be proceeding in this matter without representation of counsel.

10 2. Within **14 days** of this order, **Saeed Zarakani** shall show cause in writing why he  
11 failed to appear at the status conference and why he failed to provide the court with a written  
12 statement informing the court of defendant's substitution of counsel efforts despite being ordered  
13 by the court to do so. ***Failure to comply with this order may result in monetary sanctions or***  
14 ***any other appropriate sanctions.***

15 3. Within **14 days** of this order, **Bruce Nielson** shall show cause in writing why he  
16 failed to appear at the status conference despite being ordered by the court to do so and previously  
17 representing himself as defendants' attorney in the stipulation to dismiss Saeed Zarakani from this  
18 case. In the same timeframe, Mr. Neilson shall also show cause in writing why defendant  
19 Mardan, Inc.'s answer (ECF No. 6) should not be stricken from the record.<sup>2</sup> ***Failure to comply***  
20 ***with this order may result in monetary sanctions or any other appropriate sanctions.***

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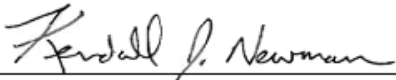
27 <sup>2</sup> As the undersigned noted on the record at the status conference, plaintiff's counsel is  
28 encouraged to contact Bruce Nielson to determine whether he still is seeking to represent  
defendant in this matter and, if so, whether settlement of this action is desirable.

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4. The Clerk of Court is directed to mail this order to Saeed Zarakani, 1650 Gold Rush Way, Penryn, CA 95663; Mardan, Inc., 2449 Northgate Boulevard, Sacramento, CA 95833; and Bruce Nielson, 7108 North Fresno Street, Ste. #190, Fresno, CA 93720.

IT IS SO ORDERED.

Dated: March 27, 2015

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE