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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER HARRELL,

Plaintiff,

v.

HORNBROOK OMMUNITYSERVICES
DISTRICT, MICHELLEHANSON,
PATRICIA BROWN,SHARREL
BARNES, ROBERTWINSTON, JULIE
BOWLES, CLINTDINGMAN, ERNEST
GOFF, ROGERGIFFORD, ROBERT
PUCKETT, SR.,HORNBROOK
COMMUNITY BIBLECHURCH,
STEVEN CHRITTENDEN,MURPHY
PEARSON BRADLEY ANDFEENEY,
BRADLEY & FEENEY, INC.,BASIC
LABORATORY, INC., DUKEMARTIN,
KISHER, WINTON &BOSTON, and Does
1-20,

Defendants.

No. 2:14-cv-1595 KJM GGH PS

ORDER

PROCEDURAL HISTORY

On August 1, 2016, this court issued an Order in which it stated that no party to this action was to file any further motions or requests unless an emergency procedure laid out in the Order was followed. The procedure required any party wishing to seek access to the court to first obtain permission by “making a request detailing the need for it” to which the opposing party could respond within five court days. ECF No. 95.

1 On October 21, 2016, Attorney William Munoz filed a Motion to withdraw as counsel for
2 defendant Sharrel Barnes and set the Motion for hearing on this court's December 22, 2016
3 calendar. ECF No. 115. On November 17, 2016, the court issued a Minute Order pointing out
4 the requirement for emergency motion procedures as a prerequisite to filing by attorney Munoz.
5 ECF No. 121. As a result attorney Munoz requested permission to file in accordance with the
6 Order. ECF No. 122. The Court will approve this request.

7 DISCUSSION

8 Several parties filed objections to the Motion to Withdraw, among them defendant Sharrel
9 Barnes. ECF No. 118. Subsequent to this filing, defendant Barnes also filed a Motion to
10 Disqualify the law firm of Murphy, Pearson, Bradley & Feeney, including Munoz, from
11 representing *any* defendant in this suit and set it for hearing on December 22, 2016 as well. ECF
12 No. 124. The Court, having reviewed this latter pleading construes it as a Statement of Non-
13 Opposition to attorney Munoz's Motion, see Eastern District of California Local Rule ["Local
14 Rule"] 230(c), and a Related or Counter-Motion for Disqualification, Local Rule 230(e). The
15 Court, sets the Counter-Motion for hearing on January 19, 2017, at 1:00 p.m. in Courtroom 9
16 before the undersigned.¹

17 Opposition to the Counter-Motion shall be filed no later than January 5, 2017, and any
18 Reply Memoranda shall be filed no later than January 12, 2017. The court also encourages all
19 other defendants to file either an Opposition, or a Statement of Non-Opposition to or Joinder, in
20 defendant Barnes' motion to disqualify the law firm insofar as they are each at present
21 represented by the firm whose disqualification is sought. The defendants should be aware that
22 should the Counter-Motion be successful, they will thereafter be expected to act as their own
23 counsel *pro se* unless and until they acquire new counsel.²

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25 _____
26 ¹ Although initially objecting to Munoz's motion to withdraw, the only logical inference to draw
27 from the Counter-Motion is that Barnes does not desire to have Munoz or his firm represent her.
Therefore, there is no dispute regarding Munoz being released from representation of Barnes.

28 ² Whether Hornbrook CSD may represent itself *pro se* is a matter that the court will address at
hearing, if necessary.

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CONCLUSION

1. The court accepts the Motion of attorney Munoz to withdraw as counsel for Sharrel Barnes under the emergency motion procedure and, as there is now no opposition to Munoz’s withdrawal as counsel for defendant Barnes, GRANTS attorney Munoz’s motion to withdraw from representation of defendant Barnes as unopposed;

2. The court sets the Counter-Motion to Disqualify the law firm of Murphy, Pearson, Bradley & Feeny, including Munoz, for hearing on January 19, 2017, at 1:00 p.m. in Courtroom 9;

3. Opposition by any party affected by the above-scheduled counter-motion shall be filed and served no later than January 5, 2017;

4. Replies by the moving and joining parties shall be filed and served no later than January 12, 2017.

IT IS SO ORDERED.

Dated: November 29, 2016

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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