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## UNITED STATES DISTRICT COURT

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## FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 SCOTT JOHNSON,

No. 2:14-cv-1663 WBS AC

12 Plaintiff,

13 v.

ORDER

14 LEONCIO NATERAS RUIZ, et al.,

15 Defendants.

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17 On September 22, 2016, the court ordered defendant's counsel, Michael David Welch, to  
18 show cause why he should not be sanctioned for failing to produce his clients, Robert Devita and  
19 Leoncio Nateras Ruiz, at their respective judgment debtor examinations, for failing to notify  
20 plaintiff or the court that his clients would not be attending, and for failing to provide any  
21 explanation for his clients' failure to attend. ECF No. 43. On September 28, 2016, Mr. Welch  
22 timely submitted a declaration in response to the OSC. ECF No. 44.

23 Mr. Welch avers that he no longer represents these clients, and that "[t]he Proofs of  
24 Service on the docket in connection with the debtor examinations show that only Defendants  
25 were served or attempted to be served in the State of New Mexico." In fact, every document filed  
26 in this case after Mr. Welch first appeared for his clients, has been served on him electronically  
27 through the court's CM/ECF system. This includes every document filed in this case relating to  
28 the judgment debtor examinations. In addition, two of those documents were served on Mr.


1 Welch by mail. See ECF Nos. 31-1, 39-1. This should have alerted Mr. Welch that, as far as the  
2 court knew, he still represented his clients.

3 Mr. Welch avers that his representation of his clients ended when judgments were entered  
4 against them, and he offers details of his representation agreement and fees. However, the court  
5 is generally not aware of the private agreements between attorneys who appear in this court and  
6 their clients. When Mr. Welch continued to be served with documents in this case after the  
7 judgments were entered, and continued to be listed as counsel of record for those defendants, it  
8 was his responsibility to notify the court that he no longer represented the defendants.

9 Nevertheless, Mr. Welch has timely explained why he did not produce defendants at their  
10 judgment debtor examinations.

11 Accordingly, the Order To Show Cause relating to Mr. Welch (ECF No. 43 ¶ 2), is  
12 DISCHARGED.

13 DATED: October 23, 2016

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15 ALLISON CLAIRE  
16 UNITED STATES MAGISTRATE JUDGE  
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