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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiffs,
v.
MICHAEL DEMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Pending before the court is defendants’ motion for disqualification of counsel. The matter was submitted on the papers. Upon review of the documents in support and opposition, THE COURT FINDS AS FOLLOWS:

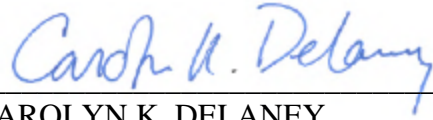
Defendants move to disqualify plaintiffs’ counsel on the grounds that plaintiffs’ counsel are potential witnesses in this case and that plaintiffs’ counsel should be presumed to be tainted because they have acted as co-counsel with Susan McGuire. Defendants’ contentions are meritless. The court finds no basis for disqualification of plaintiffs’ counsel. See California Rule of Professional Conduct 5-210 (Member as Witness); Local Rule 180(e) (“Rules of Professional Conduct of the State Bar of California adopted as standards of professional conduct in this Court); see also Optyl Eyewear Fashion Int’l Corp. v. Style Companies, Ltd., 760 F.2d 1045, 1050 (9th Cir. 1985) (disqualification motions subjected to “particularly strict judicial scrutiny”).

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Accordingly, IT IS HEREBY ORDERED that the motion to disqualify counsel (ECF No. 87) is denied.

Dated: December 1, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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