

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN DOHERTY,

Plaintiff,

No. 09-4961-EDL

v.

**ORDER REGARDING ATTORNEY LEE
GRANT'S MOTION TO FILE
ATTORNEY'S LIEN**

CITY OF ALAMEDA and CITY OF
ALAMEDA HOUSING AND BUILDING
CODE HEARING AND APPEALS BOARD,

Defendants.

Plaintiff's former attorney, Lee Grant's Motion to File an Attorney's Lien came on for hearing on June 14, 2010. Prior to the hearing, the Court's staff had requested a copy of the fee agreement referenced and quoted in Mr. Grant's moving papers, but did not receive a copy of this document. Mr. Grant failed to appear for the hearing, apparently due to illness, and was unavailable despite the Court's effort to contact him. Pro se Plaintiff stated that he had not received a copy of the Motion and would have opposed it if he had. The Motion is publicly available as Docket No. 47, and Mr. Doherty has confirmed that he has registered for the Court's e-filing system, so there is no reason why Mr. Doherty could not access this document.

In an abundance of fairness to all parties, the Court hereby Orders as follows:

1) Mr. Grant shall file a copy of the fee agreement referenced and quoted in his moving papers within one week of the date of this Order, as well as any available evidence relating to whether he advised Plaintiff in writing that he could seek the advice of an independent lawyer and provided him with a reasonable opportunity to do so as required by California Rule of Professional Conduct Rule 3-300. He should also address whether his motion is limited to a lien on any recovery or award in this case, but not a lien on the underlying real property, as appears to be the law.

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2) Plaintiff may file an Opposition to the Motion within one week of the date of this Order; and
3) Defendants may file a Response to the Motion as it relates to their position that they hold a superior lien within one week of the date of this Order, although this issue may be moot if Mr. Grant is only entitled to a lien, if at all, on any recovery, not on the underlying real property.

IT IS SO ORDERED.

Dated: June 15, 2010



ELIZABETH D. LAPORTE
United States Magistrate Judge