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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 JOHN DOHERTY,

7 Plaintiff,

No. 09-4961-EDL

8 v.

**ORDER LIFTING STAY AND SETTING
HEARING ON MOTION FOR
ATTORNEY'S LIEN**

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

12 Defendants.
_____ /

13 The Court previously stayed consideration of Plaintiff's former attorney, Lee Grant's, Motion
14 for an Attorney's Lien (Dkt. No. 47) and related motion to seal (Dkt. No. 70) in light of Plaintiff's
15 Notice of Voluntary Bankruptcy Petition (Dkt. No. 68). Mr. Grant recently informed the Court
16 that Plaintiff's bankruptcy petition was dismissed on October 15, 2010. See Dkt No. 88. Plaintiff
17 now admits that there is no reason for the stay. Dkt. No. 93. The Court hereby LIFTS the stay
18 imposed on this portion of the case and will allow the motion to proceed.

19 However, Plaintiff contends that a hearing on the attorney's lien motion should be delayed
20 because it is not time-sensitive and no party will be disadvantaged by a delay, and the hearing should
21 take place after mediation between the parties to this litigation so as not to distract Plaintiff from his
22 focus on mediation. Id. None of these arguments are persuasive. Mr. Grant's motion was filed on
23 May 2, 2010, approximately one year ago, and the motion has been fully briefed since June 25,
24 2010. Mr. Grant is entitled to a prompt resolution of his request for an attorney's lien, and because
25 the motion is fully briefed the Court does not foresee Plaintiff needing to expend any significant
26 effort beyond attending the motion hearing, if one is held, and arguing his position.

27 It is hereby Ordered that Plaintiff, Defendants, and Mr. Grant are each permitted, but not
28 required, to file one brief of no more than four pages each setting forth their current position
regarding Mr. Grant's attorney's lien motion. Such briefs shall be filed within ten days of the date

1 of this Order. A hearing on the motion shall be held on May 31, 2011 at 9:00 a.m. If the Court
2 determines that no hearing is required, it will so notify the parties and Mr. Grant.

3 **IT IS SO ORDERED.**

4 Dated: May _4_, 2011

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

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