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

ANNE MARIE LYON, individually, and
on behalf of others similarly situated,

No. C 10-00884 WHA

Plaintiff,

**FURTHER ORDER RE
ATTORNEY ROCUSH**

v.

W. W. GRAINGER INC., and Does 1
through 50, inclusive,

Defendants.

After it was brought to the Court's attention that one of the counsel for defendants, Attorney Erica K. Rocush, was not on record as an attorney admitted to the United States District Court for the Northern District of California, Attorney Rocush was ordered to file proof of her admission. In response, she has filed a sworn declaration (Dkt. No. 29) that she is now properly admitted to practice in the Northern District of California (Rocush Decl. at 2).

In an earlier declaration (Dkt. No. 16) regarding why defendant did not file a timely opposition to plaintiff's motion to remand this action, Attorney Rocush declared that upon calling the court clerk to inquire as to why she did not receive notice via ECF of a change in the hearing date on plaintiff's motion, she "was informed, much to [her] surprise, that there was no record of [her] being admitted into the District Court for the Northern District of California." The clerk's office subsequently contacted the Court and disputed the accuracy of this statement. According to the clerk's office, it had already initiated contact with Attorney Rocush to notify her that she was not admitted to the District Court for the Northern District of California after it reviewed the pro hac vice application of Attorney Henry Galatz (Dkt. No. 5).

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Attorney Rocush was ordered to file a written submission and appear at a hearing to explain this apparent discrepancy. In response, she declared that although she had been previously informed of the lack of record of her admission, at the time she spoke with the court clerk regarding the notice of hearing on plaintiff's motion to remand, she had believed that the issue had been resolved (Rocush Decl. at 2). She explained that this was the cause of her surprise described in her earlier declaration. This order accepts Attorney Rocush's explanation that her previous declaration, although somewhat incomplete, was not intentionally false or misleading.

IT IS SO ORDERED.

Dated: April 29, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE