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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

CLAYTON COLLINS,

No. C 13-01493 LB

Plaintiff,

**ORDER REGARDING THE
REPRESENTATION OF THE
INDIVIDUAL DEFENDANTS**

v.

CITY OF OAKLAND; COUNTY OF
ALAMEDA; ATTORNEY LEO BAZILE
(DISBARRED); ANTONIO ACOSTA;
OFFICER RICK COCANOUR (ALAMEDA
COUNTY SHERIFF'S OFFICE),

Defendants.

Plaintiff Clayton Collins, proceeding *pro se*, filed a complaint on April 3, 2013. He named 2 entities and 3 individuals as defendants, namely, the City of Oakland, the County of Alameda, Leo Bazile, Antonio Acosta, and Officer Rick Cocanour of the Alameda County Sheriff's Office. So far, only the entity defendants have appeared in this action, and they have filed motions to dismiss Mr. Collins's complaint. Neither of the three individual defendants have appeared, despite being served with the complaint and summons.

The court issues this order to clarify the status of the individual defendants' legal representation (if any). In many cases, the city entity represents city employees, and the county entity represents county employees. *See, e.g., Spalding v. City of Oakland*, No. C11-02867 TEH (N.D. Cal. June 13, 2011) (counsel for the City of Oakland also represented officers of the Oakland Police Department, and counsel for the County of Alameda also represented the sheriff of the Alameda County Sheriff's

1 Office); *Howard v. Dalisay*, No. C10-05655 LB (N.D. Cal. Dec. 13, 2010) (counsel for the City of
2 San Pablo also represented officers of the San Pablo Police Department, and counsel for the County
3 of Alameda also represented officers of the Alameda County Sheriff's Department). Here, counsel
4 for the County of Alameda has appeared on the County's behalf, but they have not appeared on
5 behalf of Officer Rick Cocanour, whom Mr. Collins alleges is an officer of the Alameda County
6 Sheriff's Office. And the court is not sure if the County of Alameda or the City of Oakland employ
7 or plan to represent Mr. Bazile or Mr. Acosta. Thus, because the court needs the consent of all
8 served defendants to finally decide the pending motions to dismiss, *see* 28 U.S.C. § 636(c), the court
9 **ORDERS** counsel for the City of Oakland and the County of Alameda to tell the court whether they
10 also represent, or intend to represent, any of the individual defendants to this action. Counsel for the
11 City of Oakland and the County of Alameda shall do so by filing short statements on the court's
12 Electronic Case File **by 12:00 p.m. on Thursday, October 3, 2013.**

13 **IT IS SO ORDERED.**

14 Dated: October 1, 2013

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17 LAUREL BEELER
18 United States Magistrate Judge
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