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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10
11 FALCONPOINT UNLIMITED, LLC, a
12 Delaware limited liability company,

13 Plaintiff,

14 v.

15 KEVIN J. SENN, ESQ., an individual,
16 SENN LAW, a professional corporation,
17 RANDOLPH MCCONVILLE, an
18 individual; MONA MCCONVILLE, an
19 individual; DOES 1 through 50,

20 Defendants.

Case No. 14-cv-02342 NC

**ORDER TO SHOW CAUSE RE:
DISQUALIFICATION**

21 Plaintiff Falconpoint Unlimited, LLC brings this action for fraud and breach of
22 contract against defendants Randolph and Mona McConville, Kevin J. Senn, and Senn Law.
23 Dkt. No. 1. Kevin Senn has appeared as counsel of record for himself, Senn Law, as well as
24 the McConvilles. By January 16, 2015, Kevin Senn must show cause in writing why he
25 should not be disqualified from representing the other defendants in this case due to a
26 potential or actual conflict of interest. *See In re Cnty. of Los Angeles*, 223 F.3d 990, 995
27 (9th Cir. 2000) (holding that matters of disqualification are governed by state law); Civ.
28 L.R. 11-4(a) (requiring compliance with the standards of professional conduct required of
members of the State Bar of California). *See also* Cal. Rules of Prof'l Conduct 3-310

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1 (governing the representation of adverse interests); *Concat LP v. Unilever, PLC*, 350 F.
2 Supp. 2d 796, 815, 819-20 (N.D. Cal. 2004) (setting forth the legal standards governing the
3 issue of concurrent representation).

4 Additionally, Kevin Senn must immediately provide a copy of this order to the
5 McConvilles. The McConvilles may file a separate response to the order to show cause by
6 the January 16 deadline, if they wish. For additional guidance, the McConvilles may
7 contact the Legal Help Center, which provides information and limited-scope legal advice
8 to pro se litigants in civil cases for free. The Legal Help Center requires an appointment,
9 which can be made by calling (415) 782-8982.


10 Falconpoint also may file a brief addressing the conflict of interest issue by January
11 23, 2015.

12 Any factual contentions made in responding to the order to show cause must be
13 supported by an affidavit or declaration and by appropriate references to the record. *See*
14 *Civ. L.R. 7-5*.

15 After reviewing the response(s) to the order to show cause, the Court will decide if it
16 is necessary to hold an evidentiary hearing on this issue.

17 IT IS SO ORDERED.

18 Date: January 5, 2015


Nathanael M. Cousins
United States Magistrate Judge