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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY J AUSTIN, et al.,
Plaintiffs,
v.
GRAHAM TAYLOR, et al.,
Defendants.

Case No. 15-cv-00162-JSC

**ORDER RE: PLAINTIFFS' MOTION
TO SUBSTITUTE ATTORNEY**

Re: Dkt. Nos. 21, 22

United States District Court
Northern District of California

On November 4, 2015, the Court denied Plaintiffs' notice of substitution of attorney for failure to comply with the local rules. (Dkt. No. 20.) In response, Plaintiffs filed a renewed motion to substitute wherein Plaintiff Larry Austin requests permission to represent himself pro se, and Plaintiffs Furama Los Angeles, Inc., and Dragon Charm, LLC, seek to be represented by attorney John E. Williams. (Dkt. No. 21.) Mr. Williams, however, is not admitted in this district and thus has also filed a motion for leave to appear pro hac vice. (Dkt. No. 22.) The request for substitution of counsel for Plaintiffs Furama Los Angeles, Inc., and Dragon Charm, LLC, is DENIED without prejudice.

Under Civil Local Rule 11-3(a)(3) an attorney may proceed pro hac vice if he or she meets certain qualifications including "[t]hat an attorney, identified by name and office address, who is a member of the bar of this Court in good standing and who maintains an office within the State of California, is designated as co-counsel." Although the pro hac vice form indicates that Plaintiffs' current attorney James Braden will act as co-counsel, Mr. Braden states in the motion for substitution that he "will not be deemed an attorney of record, save only in the event that Williams become incapacitated or otherwise unable to continue filling his representational duties." (Dkt. No. 21 at ¶ 8.) This is inconsistent with the requirements for pro hac vice status. If Mr. Braden is

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to be the local counsel required under Rule 11-3(a)(3), then he is local co-counsel of record and cannot attach any caveats to his appearance as such.

Accordingly, Plaintiffs' motion for substitution is denied without prejudice to renewal in accordance with this Order on or before November 25, 2015. The Court will take no action on Mr. William's application to appear pro hac vice until Plaintiffs address the issue raised herein.

The Court's November 4, 2015 Order also struck Plaintiffs' motion for an extension of time to file their amended complaint; however, Plaintiffs have not filed an amended complaint. They shall do so on or before November 25, 2015.

IT IS SO ORDERED.

Dated: November 18, 2015


JACQUELINE SCOTT COOLEY
United States Magistrate Judge