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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMCCONNELL & MALEK
ENTERPRISES,

Plaintiff,

v.

PROOF MARK, INC,

Defendant.

Case No. [23-cv-00010-LJC](#)**ORDER VACATING ALL DEADLINES
AND STAYING PROCEEDINGS
PENDING THE APPEARANCE OF
DEFENSE COUNSEL AUTHORIZED
TO PRACTICE IN THIS DISTRICT**

On January 3, 2023, Defendant removed this case from the Superior Court of Alameda to the U.S. District Court for the Northern District of California. Dkt. 1. Defendant has been represented by Stuart N. Wilson who is neither a member of the State Bar of California nor the U.S. District Court for the Northern District of California. On January 17, 2023, this Court ordered Wilson to apply to appear *pro hac vice* in this district by January 27, 2023. Dkt. 6. Later that day, Wilson filed Defendant's motion to dismiss Plaintiffs' complaint for lack of personal jurisdiction without an application to appear *pro hac vice*. Dkt. 7.

This Court will not consider a motion to dismiss that has been filed by an attorney who is unauthorized to appear in this district. All proceedings in this matter are stayed, and all deadlines are vacated except for Plaintiff's deadline for consent or declination of magistrate jurisdiction. As noted above, Defense counsel Stuart N. Wilson must file an application to appear *pro hac vice* in this district by January 27, 2023 in order to proceed.

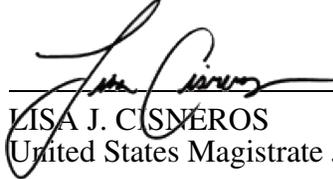
In the event that Defense counsel's *pro hac vice* application is granted, or Defendant retains other counsel admitted to practice in this district and that counsel files a notice of appearance, the stay shall be lifted and the following briefing schedule will apply. Plaintiff will have **fourteen days** to file its opposition from the date that defense counsel's *pro hac vice*

United States District Court
Northern District of California

1 application is granted or new defense counsel files a notice of appearance. Defendant's reply will
2 be due **seven days** from the opposition deadline. If defense counsel is not admitted to appear *pro*
3 *hac vice* or if Defendant fails to retain counsel that is authorized to appear in this district by
4 February 10, 2023, the Court may strike Defendant's motion to dismiss as being improperly filed.

5 **IT IS SO ORDERED.**

6 Dated: January 18, 2023

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9 LISA J. CISNEROS
United States Magistrate Judge

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