

FILED

MAR 01 2012

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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IN THE MATTER OF THE REFERRAL
OF GREGORY M. HAYNES TO THE
STANDING COMMITTEE ON
PROFESSIONAL CONDUCT OF THE
UNITED STATES DISTRICT COURT

No. C 10-4642 PJH

ORDER

_____ /

This matter was before the court on February 29, 2012, for hearing on the second Order To Show Cause ("OSC") issued on July 7, 2011. David Fry, Forrest Hainline and Jeffery Banchemo appeared for the Standing Committee on Professional Conduct ("Committee") and respondent Gregory Haynes appeared in pro per. Respondent responded to the petition in writing and orally at the hearing. Based on those responses, the court determined that the petition could not be resolved solely on the petition and the responses thereto, and after listening to the objections and proposals of respondent and the Committee, determined that the matter would proceed to a motion for summary judgment. The Committee was ordered to re-file by March 7, 2012 the latest or a revised version of its motion for summary judgment which had been terminated by the court when the second OSC was issued. No later than April 6, 2012, respondent shall, if discovery is sought after his review of the motion, file a declaration in the form required by Fed. R. Civ. P. 56(d) describing the discovery sought and the reasons why it is needed to oppose the motion. The Committee may file a response to the discovery request within one week. The court will thereafter rule on the discovery request and set a deadline for completion of discovery if it is permitted. If respondent does not file a request for discovery by the deadline set by the court, then he shall file his opposition to the motion for summary judgment no later than April 20, 2012. Any reply must be filed by April 27, 2012. No

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further hearing will be held unless the court determines that one is necessary.

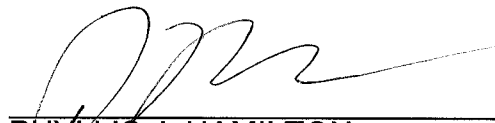
Any objections respondent wishes to lodge regarding the authority or conduct of the Committee shall be contained in his opposition to the summary judgment motion.

Respondent's request that the court pay any of his litigation expenses, including but not limited to any that might be incurred for discovery, is DENIED.

The court took under submission respondent's request to unseal the file of this previously confidential matter, and has determined to GRANT the request. The Clerk shall unseal the official file. The official file will hereafter be made available to the public for viewing in the Clerk's Office and documents will be electronically filed by the court. Both the Committee and respondent may also now file documents electronically, if they are ECF Users.

IT IS SO ORDERED.

Dated: March 1, 2012



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE REFERRAL OF
GREGORY M. HAYNES TO THE
STANDING COMMITTEE OF THE UNITED
STATES DISTRICT COURT,

Case Number: C 10-4642 PJH

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 2, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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March 2, 2012


Richard W. Wieking, Clerk

By: Nichole Heuerman