

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JODY LYNN VON HAAR,	)	Case No.: 10-CV-02995-LHK
	)	
Plaintiff,	)	ORDER REGARDING STATUS OF
v.	)	PLAINTIFF’S COUNSEL
	)	
CITY OF MOUNTAIN VIEW, TONY	)	
VIERYA, aka JOSE VIEYRA, TY ZEMLOK,	)	
FERNANDO MALDONADO, Does 1-100,	)	
	)	
Defendants.	)	

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On June 6, 2011, the Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. Plaintiff’s counsel filed a response in which he explained that counsel and Plaintiff lacked funds to prosecute the case, and that Plaintiff had been seeking new counsel. In response, Defendants filed a statement in which they informed the Court that Plaintiff’s counsel was suspended from the practice of law effective April 4, 2011 for a period of 120 days. Defendants contended that Plaintiff’s counsel had therefore violated various rules by engaging in the unauthorized practice of law and failing to notify the Court of his suspension. In reply, Plaintiff’s counsel acknowledged the suspension, but claimed that it had not yet taken effect.

Based on the records submitted by Defendants and the public records available on the website of the State Bar of California, it appears that the April 4, 2011 action was a stipulated disposition that has been approved by the State Bar Court and recommended to the Supreme Court. It does not appear that a final order of the Supreme Court has been filed. Plaintiff’s counsel

1 therefore appears to be correct in stating that the suspension is not yet in effect. Nonetheless,  
2 Plaintiff's counsel is not permitted to unilaterally impose a stay of litigation because his client is  
3 unable to afford the litigation. If Plaintiff's counsel is unable to continue his representation of  
4 Plaintiff for financial reasons, counsel must file a motion to withdraw from the representation  
5 pursuant to Civil Local Rule 11-5. Based on counsel's representations, it appears that he is no  
6 longer financially able to represent Plaintiff. Accordingly, Plaintiff is ordered to file a motion to  
7 withdraw by July 15, 2011. If the Court grants the motion, Plaintiff will be given a reasonable  
8 amount of time in which to seek new counsel or make an appearance *pro se*.

9 **IT IS SO ORDERED.**

10  
11 Dated: July 2, 2011

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13 LUCY H. KOH  
14 United States District Judge