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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TIMOTHY GENS,)
)
Plaintiff,)
)
v.)
)
VELLO CORPORATION, et al.,)
)
Defendants.)
_____)

Case No.: C 10-3220 PVT
ORDER TO SHOW CAUSE WHY CONSENT PLAINTIFF PURPORTEDLY FILED ON BEHALF OF DEFENDANT VELLO SHOULD NOT BE STRICKEN; AND
ORDER CONTINUING HEARING AND CASE MANAGEMENT CONFERENCE

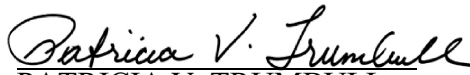
On September 30, 2010, Plaintiff Timothy Gens filed a document purporting to be a consent to Magistrate Judge jurisdiction filed on behalf of Defendant Vello Corporation, and signed by Plaintiff Timothy Gens as “Counsel for Defendant Vello Corporation.” (See, Docket No. 29.) A representative of the court’s clerk’s office has checked court records, and there is no record of Timothy Gens ever having been admitted to practice before this court. Nor is there any application filed in this action for Timothy Gens to appear *pro hac vice*. Finally, it would appear that Plaintiff’s attempt to act as counsel for Defendant Vello Corporation in this action implicates a significant conflict of interest. Therefore,

IT IS HEREBY ORDERED that, no later than October 12, 2010, Plaintiff shall file a declaration showing cause, if any, why the consent he attempted to file on behalf of Defendant Vello Corporation should not be stricken from the record.

1 IT IS FURTHER ORDERED that the hearing on Plaintiff Gens' motion to remand and his
2 motion for Rule 11 sanctions is CONTINUED to November 2, 2010.

3 IT IS FURTHER ORDERED that the Case Management Conference in this matter is also
4 CONTINUED to 10:00 p.m. on November 2, 2010.

5 Dated: 10/5/10

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7 PATRICIA V. TRUMBULL
8 United States Magistrate Judge
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