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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Plaintiff,

v.

BAYONE REAL ESTATE INVESTMENT
CORPORATION, et al.,

Defendants.

Case No. [15-cv-02248-BLF](#)

**ORDER TO SHOW CAUSE RE:
STRIKING THIRD-PARTY
DEFENDANT SARAH HUANG'S
MOTION TO DISMISS**

[Re: ECF 23]

To Third-Party Defendant Sarah Huang's attorney of record, Kent Pearce Tierney, you are hereby ORDERED to SHOW CAUSE, if any, why Third-Party Defendant Sarah Huang's motion to dismiss should not be stricken for practicing law without being a member of the bar of this Court. On March 9, 2010, Mr. Tierney was removed from the roll of attorneys authorized to practice before this Court. *See In The Matter Of: Kent Pearce Tierney*, 10-MC-80008-VRW, at 2 (Mar. 9, 2010). The removal order indicated that Mr. Tierney must petition for reinstatement before being authorized to practice before this Court. *Id.* The Northern District of California's Civil Local Rules also detail the procedure for seeking reinstatement. *See* Civil L.R. 11-7(b)(3) ("[An inactive attorney] may seek reinstatement by filing a petition for admission with the Clerk as provided in Civil L.R. 11-1(c) and paying the admission fee in accordance with 11-1(d)."). In August 2015, after appearing in another action in this district, Mr. Tierney was also notified of his inactive status and this district's requirement that Mr. Tierney petition for readmission. *Lemoine v. State Farm Gen. Ins. Co.*, 15-cv-02941-WHO. According to the Court's records, Mr. Tierney has not filed a petition for readmission.

Despite not being admitted to practice before this Court, Mr. Tierney has taken an active


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role in this case: Mr. Tierney is listed as Ms. Huang’s attorney of record, Mr. Tierney’s name appears on the caption page to Ms. Huang’s motion to dismiss, and Ms. Huang’s motion to dismiss was e-filed using Mr. Tierney’s attorney e-file account.

Accordingly, Kent Pearce Tierney is hereby ORDERED TO SHOW CAUSE why Third-Party Defendant Sarah Huang’s motion to dismiss should not be stricken for practicing law without being a member of the bar of this Court. Mr. Tierney shall submit a written response **on or before** Nov. 16, 2015. A failure to respond may result in this matter being referred to the Standing Committee on Professional Conduct.

IT IS SO ORDERED.

Dated: October 15, 2015


BETH LABSON FREEMAN
United States District Judge