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7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
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10 BP WEST COAST PRODUCTS, LLC,  
11 Plaintiff and Counter-Defendant,

12 v.

13 CROSSROAD PETROLEUM, INC., ET  
14 AL.,  
15 Defendants and Counter-Claimants.

16 AND RELATED CONSOLIDATED  
17 ACTIONS  
18  
19

Case No.: 12cv665 JLS (JLB) Lead Case

**ORDER (1) SETTING ADDITIONAL  
TRIAL FORMAT STATUS  
HEARING; (2) DIRECTING  
ATTORNEY LACEY TO APPEAR  
AT TRIAL FORMAT STATUS  
HEARING; (3) DIRECTING  
PARTIES TO FILE A PROPOSED  
AMENDED SCHEDULING ORDER;  
AND (4) DIRECTING ATTORNEY  
SCHILLER TO SHOW CAUSE**

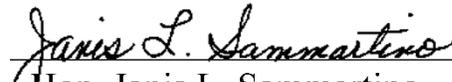
20 The Court held a Trial Format Status hearing in the above captioned matter at 9 a.m.  
21 on July 21, 2016. In light of the discussion at that hearing, including the noted June 20,  
22 2016 disbarment of attorney David Schiller, who has represented more than 100 defendants  
23 and counter-claimants in this matter (often referred to as the “Schiller Defendants”),  
24 another hearing on trial format is necessary. The Court therefore **SETS** an additional Trial  
25 Format Status Hearing for 2:30 p.m. on August 11, 2016. The Court notes that Mr.  
26 Schiller’s co-counsel, Pamela Lacey, who also represents the Schiller Defendants, did not  
27 appear at the July 21, 2016 hearing. The Court **DIRECTS** Ms. Lacey to appear in person  
28 at the August 11, 2016 hearing.

1 The parties **SHALL** confer and submit on or before August 4, 2016, a joint motion  
2 and proposed amended scheduling order modifying the Court's February 17, 2016 Order  
3 Granting in Part Joint Motion to Set New Pretrial Deadlines, ECF No. 486.

4 Further, on its own motion, the Court **ORDERS** Mr. Schiller to show cause why this  
5 Court should not take judicial notice of his June 20, 2016 disbarment as indicated on the  
6 website for State Bar of Texas. See attorney search function at [www.texasbar.com](http://www.texasbar.com); see  
7 also Singh v. Gonzales, 231 F. App'x 648, 650 n.1 (9th Cir. 2007) (taking judicial notice  
8 of an attorney's disbarment pursuant to Fed. R. Evid. 201); Forsythe v. Brown, 281 F.R.D.  
9 577, 582 (D. Nev. 2012) (same); Fed. R. Evid 201(e) (“[A] party is entitled to be heard on  
10 the propriety of taking judicial notice and the nature of the fact to be noticed.”). Mr.  
11 Schiller **SHALL** file a response to this Order on or before July 28, 2016. The Court  
12 anticipates that a written response to this Order will provide Mr. Schiller an adequate  
13 opportunity to be heard, and will set a hearing in this matter if it later deems one necessary.  
14 Failure to submit a timely response to this Order will result in revocation of Mr. Schiller's  
15 pro hac vice status and termination from this case.

16 **IT IS SO ORDERED.**

17 Dated: July 21, 2016

  
18 Hon. Janis L. Sammartino  
19 United States District Judge  
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