

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARRY I. NEWKIRK and )  
RUTH A. NEWKIRK, )  
) )  
Plaintiffs, )  
) )  
vs. )  
) )  
CONAGRA FOODS, INC., a Delaware )  
corporation; SYMRISE, INC., a New )  
Jersey Corporation; and CHR. )  
HANSON INC., a Wisconsin )  
Corporation, )  
) )  
Defendants, )  
) )  
McGRATH NORTH MULLIN & )  
KRATZ, PC LLO; SANDRA MORAR; )  
and CONAGRA FOODS, INC., )  
) )  
Movants. )

8:10-cv-22-LSC-FG3

ORDER

(Related Case No. CV-08-00273-FVS,  
U.S. District Court, E.D. Wash.)

This discovery dispute is before the magistrate judge pursuant to 28 U.S.C. § 636 and NECivR 72.1 for full pretrial supervision and resolution of the Motion to Quash and for Protective Order filed by McGrath North Mullin & Kratz, PC LLO ("McGrath North"), Ms. Sandra Morar, Esq., and ConAgra Foods, Inc. ("ConAgra") (together, "Movants"). The subpoenas in question were issued by this court, *see* Fed. R. Civ. P. 45(a)(2); however, the underlying litigation is pending in the Eastern District of Washington.

The discovery dispute pending in this court (Filing 1) is between the Movants and the plaintiffs and does not involve Symrise, Inc. or Chr. Hanson Inc. Apparently, the Clerk of the Court has added each and every person listed in the Movants' certificate of service as counsel of record in this court. No attorney for Symrise, Inc. or Chr. Hanson Inc. has entered an appearance in this district or has any reason to do so. Upon direction from the Clerk of the Court, counsel for Symrise, Inc. filed a "Motion Not to Appear in this Matter,"

stating—with merit—that they were erroneously added as counsel of record in this purely ancillary matter.

**IT IS ORDERED:**

1. The motion of Symrise, Inc. (Filing 51) is granted. The Clerk of the Court shall correct the records of the court and shall remove Grant Josiah Silvernale, III, Brendan Murphy, David E. Kawala, and Alison B. Crane, as attorneys of record in this action.

2. Filings 17, 18, 19, 20 and 24 are stricken, as Symrise, Inc. is not a party to the pending discovery dispute, and its attorneys are not required to register for admittance to practice in this district. Nor is Symrise, Inc. required to file any corporate disclosure statement in this matter.

On the court's own motion, **IT IS FURTHER ORDERED:**

3. The Clerk of the Court shall remove Christopher William Angius as counsel of record in this action because Chr. Hanson, Inc. is not a party to the pending discovery dispute, and its attorney is not required to register for admittance to practice in this district. Chr. Hanson, Inc. is not required to file any corporate disclosure statement in this matter, and Filings 21, 22 and 25 are hereby stricken.

**DATED February 25, 2010.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**