

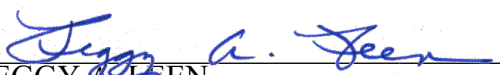
1 counsel should occur. Lastly, Defendants assert the case Plaintiffs rely on to support their position is
2 inapposite and not binding on this court.

3 In making determinations regarding disqualification, the court applies the Nevada Rules of
4 Professional Conduct. *See, e.g., Amgen, Inc. v. Elanex Pharmaceuticals, Inc.*, 160 F.R.D. 134 (1994)
5 (*citing Trone v. Smith*, 621 F.2d 994, 999 (9th Cir. 1980)) (stating, “In deciding whether to disqualify
6 counsel, the Court looks to the local rules regarding the conduct of members of its bar”) (applying the
7 Washington Rules of Professional Conduct in the federal district court situated in Washington). The
8 Nevada Supreme Court has held that in order to disqualify counsel, the party seeking disqualification
9 must first have had an attorney-client relationship with the lawyer. *See, e.g., Nevada Yellow Cab Corp.*,
10 123 Nev. at 50. Here, Plaintiffs are appearing *pro se*, and they do not allege they have ever been in an
11 attorney-client relationship with defense counsel. Thus, they do not have standing to seek to disqualify
12 defense counsel from joint representation of Defendants.

13 Accordingly,

14 **IT IS ORDERED** that Plaintiffs’ Motion for Order (Dkt. #38) is DENIED.

15 Dated this 23rd day of June, 2010.

16
17
18 
19 PEGGY A. LEEN
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27
28