

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

CHRISTOPHER NEISEN,

Plaintiff,

vs.

SERGEANT ROSE, OFFICER  
RODRIGUEZ, OFFICER WOOD, OFFICER  
MARVEL, OFFICER LONG, OFFICER  
ELLSWORTH, CITY OF SAN DIEGO,  
DOES 1 through DOE 100, inclusive,

Defendants.

CASE NO. 05cv1722-LAB (JMA)

**ORDER APPROVING  
SUBSTITUTION OF ATTORNEY,  
GRANTING JOINT MOTION TO  
DISMISS, AND DISCHARGING  
OSC**

[Dkt No. 54, 55, 57, 58]

On November 9, 2007, this court entered an Order denying the parties' Joint Motion to continue the scheduled December 11, 2007 trial of this action and related dates for the reasons recited in that Order. The court also set an Order To Show Cause ("OSC") hearing for November 26, 2007 to permit plaintiff's *pro hac vice* counsel of record, Blake Horowitz, Esq., to show cause why sanctions should not be imposed against him with respect to trial readiness issues and the absence of any formal substitution of attorney whereby Shawn McMillan, Esq. could assume responsibility to prosecute this 42 U.S.C. § 1983 action, as he purported to do through representations he filed with the court and a defective substitution request associated with the joint motion for leave to continue the trial.

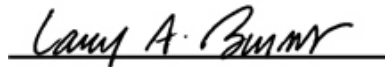
On November 19, 2007, plaintiff Christopher Neisen, his counsel of record Mr. Horowitz, and his proposed new counsel, Mr. McMillan filed a fully executed Substitution Of Attorney. Dkt No. 57.

1 The court hereby **APPROVES** the substitution of Mr. McMillan for Mr. Horowitz as plaintiff's counsel  
2 of record. In addition, Mr. Horowitz filed an Affidavit and a Motion For Relief from the OSC.  
3 Dkt No. 55. For good cause shown in the Affidavit and Motion, the court **GRANTS** the motion and  
4 discharges the OSC. The November 26, 2007 OSC hearing is accordingly *off-calendar* as moot.

5 The parties simultaneously filed a Joint Motion To Dismiss this lawsuit, informing the court the  
6 case has settled on terms recited in the Joint Motion. Dkt No. 58. The court hereby **GRANTS** the  
7 motion, dismisses this action in its entirety, with prejudice, and **VACATES** all remaining case  
8 management, motion hearing, and trial dates.

9 **IT IS SO ORDERED.**

10 DATED: November 21, 2007

11 

12 **HONORABLE LARRY ALAN BURNS**  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28