

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) Case No. 08-00297-09-CR-W-FJG
)
ANAHIT NSHANIAN,)
)
 Defendant.)

ORDER

On March 10, 2009, John Osgood filed a Motion to Withdraw as Local Counsel (doc #133). In his motion, Mr. Osgood stated that he no longer had a satisfactory working relationship with lead counsel, Gregory Emerson. Mr. Osgood further stated that he had been informed by e-mail from Mr. Emerson that he (Mr. Osgood) had been discharged.

On April 30, 2009, Mr. Osgood filed a Motion for an Order Requiring Lead Counsel Emerson to Respond to Local Counsel's Motion to Withdraw and to Set This Matter for Hearing to Determine Status of Substitute Local Counsel (doc #152).

Since March, the Court has attempted to resolve the local counsel issue with Mr. Emerson. Mr. Emerson has been extremely difficult to contact. When Court personnel have been able to talk to Mr. Emerson, Mr. Emerson has provided assurances that the local counsel issue would be resolved shortly. To date, there has been no entry of appearance by substitute local counsel.

On May 20, 2009, the Court sent parties a Notice of Hearing scheduling a telephone conference on May 28, 2009, at 10:30 a.m. When court personnel attempted to connect Mr. Emerson to the telephone conference, they were told that Mr. Emerson was not in his office, but was

instead at the local courthouse. Mr. Emerson was then contacted on his cell phone and he advised that he was under the impression that the telephone conference was scheduled for 10:30 a.m. Pacific time, rather than 10:30 a.m. Central time. Mr. Emerson stated that he had hired new local counsel, but he could not provide the name of the new counsel. Mr. Emerson then asked that the telephone conference be put on hold while he conducted additional business in California. When Mr. Emerson was told that this was not satisfactory to the Court, the call was lost. Mr. Emerson did not attempt to call back.

Given the difficulties this Court has experienced in contacting Mr. Emerson, it is imperative that defendant Nshanian have local counsel. The Court has attempted to accommodate Mr. Emerson in settling this local counsel issue. At this point, the issue must finally be resolved.

Given the foregoing, it is

ORDERED that defendant Nshanian, Mr. Osgood and Mr. Emerson shall appear in person before this Court at 1:30 p.m. on Thursday, June 4, 2009, in Courtroom 6E, United States Courthouse, 400 East Ninth Street, Kansas City, Missouri. If substitute local counsel enters an appearance prior to June 4, 2009, defendant Nshanian and counsel need not appear.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE