

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

EARLE A. PARTINGTON,

Plaintiff,

v.

**1:10-CV-1962
(FJS)**

**JAMES W. HOUCK, Vice Admiral, JAGC, USN;
ROBERT A. PORZEINSKI, Captain, JAGC, USN;
ROBERT B. BLAZEWICK, Captain, JAG, USN;
CN. N. MORIN, Captain, JAGC, USN; and
UNITED STATES COURT OF APPEALS FOR
THE ARMED FORCES,**

Defendants.

APPEARANCES

OF COUNSEL

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Attorneys for Plaintiff

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Attorneys for Plaintiff

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**OFFICE OF THE UNITED
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Attorneys for Defendants

MARINA UTGOFF BRASWELL, ESQ.

SCULLIN, Senior Judge

ORDER

On November 18, 2011, Plaintiff filed an ex parte motion for a temporary restraining

order and a motion for a preliminary injunction. *See* Dkt. Nos. 24-25. In his motion for a temporary restraining order, Plaintiff explains that, as a result of the suspension that Defendant Houck, as Judge Advocate General of the United States Navy, imposed against him on May 17, 2010, the Supreme Court of Hawaii has imposed reciprocal discipline against him pursuant to Rule 2.15 of the Rules of the Supreme Court of the State of Hawaii.

On November 9, 2011, the Supreme Court of the State of Hawaii issued an Order suspending Plaintiff for thirty days, said suspension to commence on December 9, 2011. As a result of this Order, Plaintiff is required under Rule 2.16(d) of the Rules of the Supreme Court of the State of Hawaii to notify all of his clients in pending litigation matters of his suspension and advise his clients of the desirability of the prompt substitution of another attorney in his place. Under Rule 2.16(d), Plaintiff must accomplish this notice to his clients by November 21, 2011.

Plaintiff contends that, if the Court does not grant his request for a temporary restraining order, he will suffer irreparable harm to his reputation as an attorney with a forty-two-year unblemished record, as well as further financial harm.

Based on the information that Plaintiff has provided in his affidavit in support of his motion, as well as other papers that the parties have already submitted in this matter, the Court finds that, without the relief that Plaintiff seeks, he would suffer irreparable harm to his reputation which could not be undone and, further, that, given the short time in which the Rules of the Supreme Court of Hawaii provide to Plaintiff to notify his clients in pending cases, those would be prejudiced as well. Therefore, the Court hereby

ORDERS that the Court **GRANTS** Plaintiff's ex parte motion for a temporary restraining order as of **3:30 p.m. on Friday, November 18, 2011**. The Court advises the parties that it has

issued this Order without notice because of the short time frame in which Plaintiff must complete the notice to his clients under the rules of the Supreme Court of the State of Hawaii and that the November 21, 2011 deadline for Plaintiff to notify his clients of his suspension does not allow adequate time for opposing counsel to respond to said motion; and the Court further

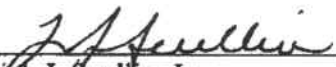
ORDERS that Defendant Houck shall temporarily stay the Order of Suspension against Plaintiff that he entered on May 7, 2010; and the Court further

ORDERS that this temporary restraining order shall remain in effect until **3:30 p.m. on December 2, 2011**, unless before that time Plaintiff shows good cause to extend this time period for a like period or Defendants consent to a longer extension; and the Court further

ORDERS that counsel shall appear for oral argument regarding Plaintiff's motion for a preliminary injunction at **10:00 a.m. on December 29, 2011**, at the United States District Court in Washington, D.C. Defendants shall file their response to said motion on or before **December 15, 2011**. Plaintiff may file reply papers, if necessary, on or before **December 22, 2011**.

IT IS SO ORDERED.

Dated: November 18, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge