

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

COLLEEN FROEHLICH,	:	
Plaintiff,	:	Case No. 3:12-cv-363
v.	:	JUDGE WALTER H. RICE
CACH, LLC, <i>et al.</i> ,	:	
Defendants.	:	

DECISION AND ENTRY SUSTAINING DEFENDANT CACH, LLC'S
UNOPPOSED MOTION TO DISQUALIFY PLAINTIFF'S COUNSEL
(DOC. #13); PLAINTIFF TO FILE NOTICE OF SUBSTITUTION OF
COUNSEL WITHIN 30 DAYS

Defendant CACH, LLC, has moved to disqualify Plaintiff's counsel, Andrew M. Engel.¹ Doc. #13. Plaintiff's Complaint involves the breach of a settlement agreement. The parties dispute whether the alleged settlement agreement exists. Because Mr. Engel was involved in negotiating the alleged agreement, he is a key witness. Absent certain exceptions that do not apply here, Ohio Rule of Professional Conduct 3.7 prohibits a lawyer from acting as an advocate at a trial in which he is likely to be a necessary witness.

In a March 15, 2013, letter to Defendant's counsel, Mr. Engel indicated that he had "already made some arrangements for new counsel should [he] determine

¹ In the alternative, Defendant seeks to prohibit Mr. Engel from testifying on Plaintiff's behalf.

that withdrawal is appropriate.” Ex. 2 to Mot. to Disqualify. Although no Notice of Substitution of Counsel has yet been filed, neither has Plaintiff filed a memorandum in opposition to Defendant’s motion.

Accordingly, the Court SUSTAINS Defendant’s unopposed motion to disqualify Plaintiff’s counsel, Andrew Engel. Plaintiff shall have 30 days from the date of this Decision and Entry to either file a Notice of Substitution of Counsel or notify the Court that she intends to proceed *pro se*.

Date: July 8, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE