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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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In Re Zicam Cold Remedy Marketing,
Sales Practices, and Products Liability
Litigation.

No. MDL 09-2096-PHX-FJM

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ORDER

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This document relates to:

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Christopher Vance v. Matrixx Initiatives,
Inc. et al.
10-cv-1637-PHX-FJM

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The court has before it a motion from lawyers Christopher L. Schnieders and Thomas P. Cartmell to withdraw as counsel for plaintiff Christopher Vance (doc. 1051). Plaintiff has not responded. No trial date has been set.

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Counsel’s motion is accompanied by certification that counsel notified plaintiff in writing of the status of his case, and included information about orders and deadlines. See LRCiv 83.3(b)(2). Counsel made many attempts to contact plaintiff regarding the urgent need to comply with defendants’ discovery requests: (1) counsel emailed plaintiff to warn him that his case might be in jeopardy if he did not respond to several questions; (2) counsel wrote plaintiff about the need to respond to defendants’ Special Interrogatories and Requests for Admission; (3) counsel sent a letter via Federal Express indicating that the responses were seriously past due; and finally (4) counsel sent another letter via both Federal Express and Certified Mail warning plaintiff that if he did not respond within three days, counsel

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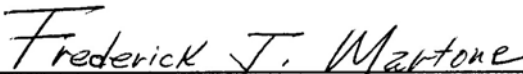
1 would withdraw and his case would likely be dismissed. Motion to Withdraw, ex. A.
2 Counsel then sent plaintiff a letter informing him that they were seeking permission to
3 withdraw. Id., ex. B.

4 Counsel have demonstrated that they made every reasonable effort to contact plaintiff.
5 Counsels' communications clearly outlined the urgency and importance of plaintiff's
6 obligations in this litigation. Plaintiff has been non-responsive. Therefore, there is good
7 cause for withdrawal. See ER 1.16(c).

8 We urge plaintiff to read this order and seek the aid of a lawyer.

9 **IT IS ORDERED GRANTING** the motion to withdraw as counsel for plaintiff
10 Christopher Vance (doc. 1051). All future notice to plaintiff Christopher Vance shall be to
11 the address listed in the motion.

12 DATED this 19th day of November, 2010.

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16 Frederick J. Martone
17 United States District Judge
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