

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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

No. 09-md-2096-PHX-FJM

ORDER

This document relates to:
Carla Henry v. Matrixx Initiatives, Inc.,
et al.
No. CV-10-2082-PHX-FJM.

The court has before it a renewed motion from lawyers Charles S. Zimmerman, Timothy J. Becker, and Stacy K. Hauer to withdraw as counsel for plaintiff Carla Henry (doc. 1406). Plaintiff has not responded, and no trial date has been set.

We denied counsel’s first motion to withdraw for failure to explain the nature of their “fundamental disagreement” with plaintiff, and because counsel did not indicate whether they served their client with the motion. Order of March 28, 2011 (doc. 1397).

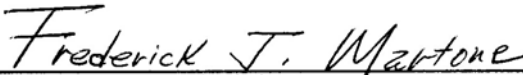
Counsel explain that the fundamental disagreement relates to plaintiff’s “unwillingness to participate in the litigation of her claim.” Motion at 2. Counsel state that plaintiff has not responded to their repeated attempts to elicit discovery responses and discuss the settlement proposal. Counsel further assert that they have “made several attempts to communicate with Plaintiff by telephone, email and letters, in an attempt to communicate and resolve the communication issues with Plaintiff.” Id. Counsel state they notified plaintiff

1 of their intention to withdraw in two separate letters, served plaintiff with their motion to
2 withdraw, and notified plaintiff of information about her case, as required by LRCiv
3 83.3(b)(2)(A).

4 Because counsel have attempted to communicate with plaintiff about her case and
5 plaintiff has been non-responsive, there is good cause for withdrawal. See ER 1.16(b)(5).

6 **IT IS ORDERED GRANTING** the motion to withdraw as counsel for plaintiff Carla
7 Henry (doc. 1406). All future notice to plaintiff Carla Henry shall be to the address listed
8 in the motion.

9 DATED this 28th day of April, 2011.

10
11 
12 _____
13 Frederick J. Martone
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28