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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jennifer Christopher,

10 Plaintiff,

11 v.

12 RJM Acquisitions LLC,

13 Defendant.  
14

No. CV-13-02274-PHX-JAT

**ORDER**

15 Pending before the Court is Lewis Brisbois Bisgaard & Smith LLP (“LBBS”)’s  
16 Motion to Withdraw as Counsel for Defendant RJM Acquisitions, LLC without  
17 Immediate Substitution. (Doc. 63). The Court now rules on the motion.

18 **I. Legal Standard**

19 Pursuant to the Local Rules of Civil Procedure for the District of Arizona,

20 **(b) Withdrawal and Substitution.** No attorney shall be permitted to  
21 withdraw or be substituted as attorney of record in any pending action  
22 except by formal written order of the Court, supported by written  
23 application setting forth the reasons therefor together with the name, last  
24 known residence and last known telephone number of the client, as follows:

25 (1) Where such application bears the written approval of the  
26 client, it shall be accompanied by a proposed written order and may  
27 be presented to the Court ex parte. The withdrawing attorney shall  
28 give prompt notice of the entry of such order, together with the  
name, last known residence and last known telephone number of the  
client, to all other parties or their attorneys.

LRCiv 83.3(b)(1). When ruling on a motion to withdraw brought pursuant to LRCiv 83.3,  
the Court should consider the following factors: “(1) the reasons why withdrawal is

1 sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm  
2 withdrawal might cause to the administration of justice; and (4) the degree to which  
3 withdrawal will delay the resolution of the case.” *Gagan v. Monroe*, 2013 WL 1339935,  
4 at \*4 (D. Ariz. April 1, 2013).

5 Also relevant is Ethical Rule 1.16 of the Arizona Rules of Professional Conduct,  
6 which provides as follows:

7 (a) Except as stated in paragraph (c), a lawyer shall not represent a  
8 client or, where representation has commenced, shall withdraw from the  
9 representation of a client if:

10 . . .

11 (3) the lawyer is discharged.

12 . . . .

13 (c) A lawyer must comply with applicable law requiring notice to or  
14 permission of a tribunal when terminating a representation. When ordered  
15 to do so by a tribunal, a lawyer shall continue representation  
16 notwithstanding good cause for terminating the representation.

17 Ariz. R. Sup. Ct. 42, ER 1.16.

## 18 **II. Analysis**

19 LBBS contends that the Court should allow it to withdraw as Defendant’s counsel  
20 because: (1) Defendant affirmatively discharged LBBS and (2) continued representation  
21 would likely result in an unreasonable financial burden on LBBS. (Docs. 61, 63). In  
22 response, Plaintiff argues that the Court should exercise its “wide discretion” and deny  
23 LBBS’s request because: (1) the motion to withdraw did not include Defendant’s last  
24 known address and telephone number and thus failed to technically comply with  
25 LRCiv 83.3; (2) the majority of LBBS’s representation has already concluded; and  
26 (3) post-judgment discovery requests are still outstanding and Defendant, as a  
27 corporation, cannot represent itself. (Doc. 66).

28 Despite being absent from the parties’ briefing, the Court concludes that it lacks  
authority to rule on LBBS’s request because once Judgment was entered in favor of  
Plaintiff on February 3, 2015, *see* (Doc. 46), this case closed. *See, e.g., Booth v. Arpaio*,

1 2007 WL 42449075, at \* (D. Ariz. Nov. 29, 2007) (denying a motion as moot “[b]ecause  
2 this case is closed, with judgment having been entered”); *Neuendorf v. John C. Lincoln*  
3 *Med.*, 2011 WL 941352, at \*1 (D. Ariz. Mar. 18, 2011) (denying a motion as moot  
4 “[b]ecause Judgment was entered” and the party’s “appeal has been dismissed”); *Garcia*  
5 *v. Glendale Police Dep’t*, 2014 WL 2197027, at \*1 (D. Ariz. May 27, 2014) (denying a  
6 motion as moot because the “case has been closed by the Clerk’s Judgment dismissing  
7 the case”). Because no “pending action”—as contemplated by LRCiv 83.3(b)—is before  
8 the Court, Defendant may discharge LBBS without the Court’s permission.  
9 Consequently, based on statements made to the Court, the parties should consider  
10 LBBS’s representation of Defendant in this matter to be terminated.<sup>1</sup>

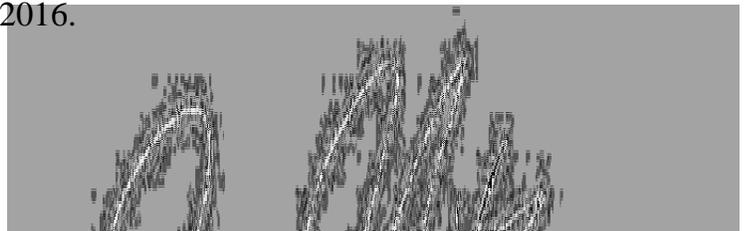
11 **III. Conclusion**

12 For the reasons set forth above,

13 **IT IS ORDERED** that LBBS’s Motion to Withdraw as Counsel for Defendant  
14 RJM Acquisitions, LLC without Immediate Substitution, (Doc. 63), is **DENIED** as moot.

15 **IT IS FURTHER ORDERED** that the Clerk of Court shall refer this matter by  
16 random draw to a United States Magistrate Judge to resolve Plaintiff’s Motion for  
17 Appearance and Examination of Judgment Debtor RJM Acquisitions, LLC, (Doc. 68),  
18 which remains pending.

19 Dated this 13th day of May, 2016.



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23 <sup>1</sup> Even if the Court had authority to rule on LBBS’s motion, the four factors set  
24 forth above weigh heavily in favor of permitting withdrawal. The most compelling reason  
25 is the fact that Defendant affirmatively terminated LBBS after this case closed. Not only  
26 was LBBS obligated under the Ethical Rules to withdraw as Defendant’s counsel, but a  
27 conflict of interest would surely arise if the Court required LBBS to continue in its  
28 representation. Furthermore, the Court would overlook Defendant’s technical non-  
compliance with LRCiv 83.3 as Plaintiff did not show prejudice by the non-compliance,  
and LBBS ultimately provided the necessary information. *See Gagan*, 2013 WL  
1339935, at \*3 (overlooking a party’s technical non-compliance with LRCiv 83.3).