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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ARMANDO QUEZADA; CATALINA
DE QUEZADA; A.Q.C.; R.V.; and M.Q.,

Plaintiffs,

v.

CITY OF LOS ANGELES, et al.,

Defendants.

Case No. 2:15-cv-07382-ODW-PJW

**ORDER GRANTING MOTION TO
BE RELIEVED AS COUNSEL [44]**

I. INTRODUCTION

Before the Court is Moon & Dorsett, PC's ("Counsel") Motion to be Relieved as Counsel for Plaintiffs Armando Quezada, Catalina de Quezada, and minors A.Q.C., R.V., and M.Q (collectively, "Plaintiffs). (ECF No. 44.) Counsel claims that Plaintiffs have made it unreasonably difficult to represent them, and therefore, that there is good cause under Central District of California Local Rule 83-2.3.2 and the California Rules of Professional Conduct to permit the withdrawal. (Mot. 2-4.) For the reasons discussed below, the Court **GRANTS** the Motion to be Relieved as Counsel.¹

¹ After considering papers filed in support of and in opposition to the motion, the Court deemed the matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15.

1 **II. FACTUAL BACKGROUND**

2 On September 21, 2015, Plaintiffs initiated this suit against the City of Los
3 Angeles and several employees of the Los Angeles Police Department² (collectively,
4 “Defendants”) for various causes of action related to the Defendants’ entry into the
5 Plaintiffs’ home. (First Am. Compl. (“FAC”), ECF. No. 27.) Plaintiffs allege that
6 Defendants’ use of excessive force during the entry caused emotional and physical
7 pain, and additionally, that Plaintiffs were unlawfully detained and denied medical
8 care for retaliatory purposes. (*See generally* FAC.)

9 According to the declarations of Counsel, on April 19, 2017, Plaintiffs’
10 attorney, Jeremy Cook, returned a phone call from Plaintiff Armando Quezada in
11 which Quezada expressed his frustration about a conversation from months prior
12 regarding the range of settlements for cases similar to his case. (Cook Decl. ¶¶ 2–3,
13 ECF No. 44.) Quezada expressed his opinion that Lead Counsel Dana M. Dorsett was
14 rude during the prior conversation by claiming that Quezada’s case was valued within
15 the lower range of settlement amounts. (*Id.* ¶ 4.) During the April 19 phone call,
16 Dorsett explained to Quezada that she did not in fact believe that his case should be
17 valued in the lower settlement range, but Quezada expressed his distrust of her and
18 stated that he was planning to look for a new attorney. (Dorsett Decl. ¶¶ 3–4, ECF
19 No. 44.) Dorsett asked Quezada to inform her by April 26, 2017, whether Counsel
20 would continue representing him. (*Id.* ¶ 4.) On April 26, 2017, Cook called Quezada,
21 and during the call, Quezada repeated that he mistrusted Counsel and was looking for
22 new counsel. (Cook Decl. ¶ 7.) Quezada specifically stated that Dorsett was rude to
23 him during both the previous week’s conversation and the conversation from months
24 prior, and he claimed that he no longer felt that Counsel could represent him
25 adequately. (*Id.* ¶¶ 8–9.) Later that day, Quezada called Counsel, made statements
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28 ² The individual Los Angeles Police Department Defendants are Officer Luke Bennett, Detective
Munoz, Officer Briscoe, Detective Wilbur, Officer Gabriel Bucknell, Officer Miranda, Detective
Juan Topete, and Chief Charles Beck.

1 that “degrade[d] and humiliate[d]” Counsel, and stated that there was a breakdown in
2 communication between Counsel and himself.³ (*Id.* ¶ 11.) Cook also characterized
3 Quezada’s actions as destroying the attorney-client confidence and trust. (*Id.*) Cook
4 emailed Quezada on April 27, 2017, describing the previous day’s conversation and
5 advising Plaintiffs to obtain new counsel. (*Id.* ¶ 12.) Counsel has not heard from
6 Plaintiffs since April 26, 2017. (*Id.*) On May 8, 2017, Counsel filed this Motion to
7 withdraw as counsel for Plaintiffs based on (1) Plaintiff Armando Quezada expressing
8 his desire on behalf of all Plaintiffs for other representation, (2) Quezada’s angry and
9 humiliating comments to Counsel, and (3) the complete breakdown in communication
10 in the attorney-client relationship. (Mot. 2.)

11 No party has filed an opposition to Counsel’s motion.

12 III. LEGAL STANDARD

13 Local Rule 83-2.3.2 provides that an attorney may not withdraw as counsel
14 without leave of court, and courts will consider whether good cause exists to permit
15 withdrawal. *China Cent. TV v. Create New Tech. Hk Ltd.*, No. CV 15-01869 MMM
16 (AJWx), 2015 U.S. Dist. LEXIS 187611, at *3 (C.D. Cal. June 25, 2015). In
17 determining whether good cause exists to allow counsel to withdraw, federal courts
18 consider state laws, and in California, courts generally consider the Code of
19 Professional Conduct of California. *Stewart v. Boeing Co.*, No. CV 12-05621, 2013
20 U.S. Dist. LEXIS 87064, at *3–4 (C.D. Cal. June 19, 2013); *Denney v. City of*
21 *Berkeley*, No. C 02-5935 JL, 2004 U.S. Dist. LEXIS 24265, at *5 (N.D. Cal. Nov. 18,
22 2004). California Rule of Professional Conduct 3-700(C) allows for permissive
23 withdrawal when the client “renders it unreasonably difficult” for counsel to continue
24 the representation (Rule 3-700(C)(a)(d)), the client “knowingly and freely consents to
25 the termination” of counsel (Rule 3-700(C)(5)), or the court finds other good cause for
26 withdrawal (Rule 3-700(C)(6)).

27
28 ³ Counsel cannot divulge any additional facts regarding the statements or breakdown in
communication without affecting Plaintiffs’ interests in this litigation. (Cook Decl. 14.)

1 District courts have discretion to permit or deny an attorney’s withdrawal.
2 *Huntington Learning Ctrs., Inc. v. Educ. Gateway, Inc.*, No. CV 09-3200 PSG
3 (VBKx), 2009 U.S. Dist. LEXIS 69618, at *2 (C.D. Cal. July 28, 2009); *see* Cal. R.
4 Prof’l Conduct 3-700(A)(2). Courts consider four factors when granting these
5 permissive withdrawal requests: “(1) the reasons why withdrawal is sought; (2) the
6 prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might
7 cause to the administration of justice; and (4) the degree to which withdrawal will
8 delay the resolution of the case.” *Huntington Learning Ctrs.*, 2009 U.S. Dist. LEXIS
9 69618, at *2. To be permitted to withdraw as counsel, an attorney must take
10 reasonable steps to avoid any foreseeable prejudice to the client, give due notice to the
11 client, allow time for the client to seek other counsel, and comply with all other laws
12 and rules. *Hendricks v. BBC Am., Inc.*, CV 14-2989-RSWL-SSx, 2016 U.S. Dist.
13 LEXIS 185291, at *4 (C.D. Cal. Jan. 21, 2016); Cal. R. Prof’l Conduct 3-700(A)(2).

14 IV. DISCUSSION

15 Here, all of the *Huntington Learning Centers.* factors weigh in favor of
16 permitting Counsel’s withdrawal. 2009 U.S. Dist. LEXIS 69618, at *2. First,
17 Counsel is seeking withdrawal because Quezada expressed his desire for new counsel.
18 (Mot. 4.) Additionally, the attorney-client relationship has broken down for many
19 reasons, including Armando Quezada’s degrading and humiliating statements directed
20 at counsel. (*Id.*) Withdrawal may be permitted when the client freely assents to it.
21 Cal. R. Prof’l Conduct 3-700(C)(5). Here, Quezada has not expressly consented to the
22 termination of Counsel, even though he stated multiple times that he was seeking
23 other representation and was unhappy with Counsel. (Mot. 3.) However, permissive
24 withdrawal is also appropriate if the client renders it unreasonably difficult for counsel
25 to effectively continue representation. Cal. R. Prof’l Conduct 3-700(C)(1)(d). Here,
26 Counsel and Quezada suffered a breakdown in communication and trust that makes it
27 unreasonably difficult to continue representation of Plaintiffs. *See Gong v. City of*
28 *Alameda*, No. C 03-05495 TEH, 2008 U.S. Dist. LEXIS 124369, at *5 (N.D. Cal. Jan.

1 8, 2008) (holding that when the trust and cooperation necessary for an attorney-client
2 relationship has broken down, it may be unreasonably difficult for counsel to continue
3 representing plaintiffs). Although Counsel cannot elaborate on the details, Quezada
4 degraded and humiliated Counsel (Mot. 3) and repeatedly stated that he no longer
5 trusted Counsel after Dorsett was supposedly rude to him. (Cook Decl. ¶ 6.)
6 According to Counsel, these statements destroyed the “attorney-client confidence and
7 trust.” (Mot. 3.); *see Rini v. Nationwide Ins. Co. of Am.*, No. SACV 11-714-JST
8 (RNBx), 2011 U.S. Dist. LEXIS 160890, at *3–4 (C.D. Cal. Nov. 30, 2011) (noting
9 that the plaintiff’s distrust of counsel and counsel’s inability to effectively
10 communicate with plaintiff about the case led to a breakdown of the attorney-client
11 relationship). Moreover, Plaintiffs have not responded to Counsel in over a month nor
12 have Plaintiffs filed a response to this Motion. (Cook Decl. ¶ 12.) Counsel cannot
13 advance Plaintiffs’ case when Plaintiffs will not communicate with Counsel. *See*
14 *Farmer v. Hyde Your Eyes Optical, Inc.*, 60 F. Supp. 3d 441, 444 (S.D.N.Y. 2014)
15 (discussing the uncooperative, nonresponsive relationship between attorney and client
16 that lead to a breakdown in the relationship); *see also Gong*, 2008 U.S. Dist. LEXIS
17 124369, at *4–5.

18 The second *Huntington Learning Centers* factor considers the prejudice the
19 withdrawal will cause other litigants. 2009 U.S. Dist. LEXIS 69618, at *2. The other
20 plaintiffs in this case are Catalina Quezada, the wife of Armando Quezada, and three
21 of Catalina and Armando’s minor children. Quezada appears to be the lead plaintiff in
22 this suit because Counsel communicated with him directly about settlement values and
23 Quezada is apparently the only plaintiff that has initiated contact with the attorneys.
24 (*See Compl*; Mot. 2.) Further, the other plaintiffs are likely not equipped to
25 communicate with counsel independently because three are minor children and
26 Catalina may not be able to communicate effectively. (*See FAC* ¶¶ 57-58 (mentioning
27 Catalina Quezada speaking and protesting in Spanish to officers during the incident).)
28 For the foregoing reasons, the breakdown of the attorney-client relationship between

1 Quezada and Counsel negatively affects the representation of all plaintiffs equally,
2 and allowing Counsel to withdraw would not unduly prejudice Catalina and the three
3 minor children. Additionally, Counsel gave due notice to Plaintiffs of its intent to
4 withdraw when Counsel contacted Quezada on April 27, 2017, and advised Plaintiffs
5 to seek new counsel. (Mot. 3.) Subsequently, Counsel sent Plaintiffs notice of this
6 Motion on May 5, 2017, (ECF No. 46), and to date, none of the Plaintiffs have filed
7 an opposition.

8 Furthermore, justice can still be administered even if the attorneys withdraw
9 because Plaintiffs can continue this case pro se or with another attorney. Finally, with
10 over four months before trial, Counsel's withdrawal will not delay the resolution of
11 this case. (ECF No. 42); *see Hendricks*, 2016 U.S. Dist. LEXIS 185291, at *5-6
12 (noting that with over four months until the trial, the plaintiff still had adequate time
13 to seek and retain new counsel). Both parties are still conducting discovery, and
14 recently, the Court extended the discovery timeline before the trial in October. (ECF
15 No. 42.) There is adequate time for Plaintiffs to prepare for trial without current
16 counsel.

17 In sum, Counsel's representation of Plaintiffs has become unreasonably
18 difficult due to the breakdown of the attorney-client relationship, the other litigants
19 will not be prejudiced, justice can still be administered, the case will not be delayed,
20 and Counsel has complied with the California Rules of Professional Conduct.
21 Therefore, there is good cause for permitting withdrawal.

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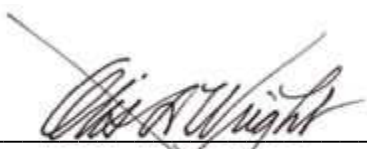
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1 **V. CONCLUSION**

2 For the reasons discussed above, Counsel's Motion to Withdraw is
3 **GRANTED.** Although Counsel is relieved from representing Plaintiffs, Counsel
4 must still comply with any obligations under California Rule of Professional Conduct
5 3-700(D). Further, Plaintiffs have until August 1, 2017, to retain new counsel or
6 decide to appear *pro se* in this action.

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8 **IT IS SO ORDERED.**

9
10 June 13, 2017

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13 **HON. OTIS D. WRIGHT II**
14 **UNITED STATES DISTRICT JUDGE**