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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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|----------------------|---|---------------------------------|
| LARRY BOECKEN JR. |) | Case No. 1: 05-cv-00090-LJO-BAM |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER GRANTING MOTION TO |
| |) | WITHDRAW AS COUNSEL OF RECORD |
| GALLO GLASS COMPANY, |) | (Doc. 112) |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

INTRODUCTION

Pending before the Court is the Motion by attorneys Mina L. Ramirez and Lawrence D. Murray to withdraw as counsel of record for plaintiff Larry Boecken, Jr. Gallo Glass Company filed a statement of non-opposition to the Motion. The Motion was heard on April 13, 2012 at 9:00 AM, before the United States Magistrate Judge Barbara A. McAuliffe. Counsel Mina Ramirez and Lawrence Murray appeared telephonically. Counsel Nancy Abell appeared telephonically on behalf of Gallo Glass Company. No other appearances were made. Having considered the moving papers, arguments presented at the hearing, as well as the Court's file, the motion is GRANTED.

1 the client, allowing time for employment of other counsel, complying with rule 3-700(D),¹ and
2 complying with applicable laws and rules.”

3 The evidence establishes that plaintiff Larry Boecken’s claims are the property of the U.S.
4 Trustee, and that plaintiff is not the proper party in interest. The evidence establishes that counsel
5 attempted to be retained by the U.S. Trustee, but that the U.S. Trustee will not retain current
6 counsel to represent the Trustee’s interest in this action. Accordingly, as plaintiff is no longer the
7 proper party in interest, permission for counsel to withdraw is warranted.

8 **CONCLUSION**

9 For the foregoing reasons, the Court orders as follows:

- 10 1. The Motion to Withdraw by Mina Ramirez and Lawrence D. Murray, and
11 counsel’s respective law firms, is GRANTED.
- 12 2. The Clerk is directed to serve a copy of this Order on U.S. Trustee is Gary Ferrar,
13 Office of The United States Trustee, at 2500 Tulare Street, Suite 1401, Fresno,
14 California 93721 and Mr. Ferrar’s attorney at James E. Salven, P. O. Box 25970,
15 Fresno, California 93729-5970.

16 IT IS SO ORDERED.

17 **Dated: April 13, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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¹ Section 3-700(D) pertains to returning property and funds to clients.