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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

IVANA MULDREW, et al.,)	1:09cv0023 OWW DLB
)	
Plaintiff,)	ORDER GRANTING MOTION TO
)	WITHDRAW AS ATTORNEY OF RECORD
v.)	FOR PLAINTIFF IVANA MULDREW
)	(Document 21)
)	
COUNTY OF FRESNO, et al.,)	ORDER VACATING SCHEDULING ORDER
)	AS TO PLAINTIFF MULDREW
)	
Defendants.)	ORDER SETTING STATUS CONFERENCE
)	

On May 20, 2010, Rayma Church, of the law firm Emerson, Corey, Sorensen, Church & Libke, counsel for both Plaintiff Ivana Muldrew and Darren Hise, filed the instant motion to withdraw as counsel of record for Plaintiff Muldrew. The matter was heard on June 25, 2010, before the Honorable Dennis L. Beck, United States Magistrate Judge. Ms. Church and Ms. Muldrew appeared. Michael Woods appeared on behalf of Defendants County of Fresno Kenneth Taniguichi.¹

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiffs filed this discrimination action on January 6, 2009.

The pre-trial conference is currently set for August 23, 2010, and trial is set for September 28, 2010. Defendants filed motions for summary judgment, which are set to be heard on June 28, 2010.

¹ Mr. Woods was present only during the portion of the hearing that was not held *in camera*.

1 On May 20, 2010, Ms. Church, filed the instant motion to withdraw. Ms. Muldrew did
2 not respond to the motion, but appeared at the hearing. During the hearing, Defendants indicated
3 that they did not object to the motion to withdraw but hoped to retain the September 28, 2010,
4 trial date, at least with respect to Plaintiff Hise. Defendants acknowledged that if Ms. Church is
5 relieved as counsel for Ms. Muldrew, a continuance will be necessary.

6 **DISCUSSION**

7 Local Rule 182(d) provides:

8 Unless otherwise provided herein, an attorney who has appeared may not
9 withdraw leaving the client in propria persona without leave of court upon noticed
10 motion and notice to the client and all other parties who have appeared. The
11 attorney shall provide an affidavit stating the current or last known address or
12 addresses of the client and the efforts made to notify the client of the motion to
13 withdraw. Withdrawal as attorney is governed by the Rules of Professional
14 Conduct of the State Bar of California, and the attorney shall conform to the
15 requirements of those Rules. The authority and duty of the attorney of record
16 shall continue until relieved by order of the Court issued hereunder. Leave to
17 withdraw may be granted subject to such appropriate conditions as the Court
18 deems fit.

14 See also Cal. Rules of Prof'l Conduct R. 3-700.

15 Ms. Church requests that she be relieved as counsel based on her belief that an
16 irreconcilable conflict has arisen between her and Ms. Muldrew.

17 Following an *in camera* hearing and inspection of documents, the motion to withdraw as
18 counsel of record is GRANTED. The Clerk of the Court is ORDERED to RELIEVE Rayma
19 Church and the law firm of Emerson, Corey, Sorensen, Church & Libke as counsel of record for
20 Ms. Muldrew and SUBSTITUTE Plaintiff Muldrew, appearing pro se.

21 The Court further VACATES the dates contained in the April 10, 2009, Scheduling
22 Conference Order as to Plaintiff Muldrew ONLY. The dates SHALL remain applicable to
23 Plaintiff Hise.

1 A status conference is SCHEDULED for August 30, 2010, at 9:00 a.m., in Courtroom 9.
2 Plaintiff Muldrew shall file a written status report no later than July 23, 2010, regarding efforts to
3 obtain substitute counsel.

4 It is FURTHER ORDERED that Ms. Church serve a copy of this order on Plaintiff
5 Muldrew.

6 Plaintiff Muldrew's address for service is:

7 Ivana Muldrew

8 4648 East Dakota Avenue

9 Fresno, CA 93726

10 IT IS SO ORDERED.

11 **Dated: June 29, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE