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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONTRY McNALLY; RUBY BELL; and
KENNETH BALES,

Plaintiffs,

v.

EYE DOG FOUNDATION FOR THE
BLIND, INC.; EYE DOG FOUNDATION
PROFIT SHARING PLAN; GWEN
BROWN, an individual, and DOES 1
THROUGH 50,

Defendants.

CASE NO. 1:09-cv-01184-AWI-SKO

**ORDER RE MOTION TO
WITHDRAW AS COUNSEL**

On February 10, 2011, Defendants' counsel filed a Motion to Withdraw as Attorney of Record for Defendants. (Doc. 112.) Although the certificate of service indicates that the motion was served on counsel for Plaintiffs and on the Defendants, the motion did not provide notice of a time and date for the hearing. In light of the procedural posture of this case, the Court will set a hearing date.

The Court notes that Defendants' counsel has requested a continuance of the motion for summary judgment. As that motion is currently pending before Chief District Judge Anthony W. Ishii, any request for a continuance of that motion must be presented to Judge Ishii.

///

1 Accordingly, IT IS HEREBY ORDERED THAT:

- 2 1. Defendants' counsel's Motion to Withdraw shall be heard on March 2, 2011, at 9:30
3 a.m. in Courtroom 8 of the above entitled Court;
- 4 2. Plaintiffs may file an opposition on or before February 25, 2011;
- 5 3. No reply to the opposition shall be filed;
- 6 4. Defendants may file an opposition or statement regarding their counsel's Motion to
7 Withdraw on or before February 25, 2011;
- 8 5. Defendants, or a representative of any corporate entities, shall appear at the March
9 2, 2011, hearing on this matter;
- 10 6. Any request for a telephonic hearing must be arranged **one week in advance of the**
11 **hearing date** by contacting the courtroom deputy at (559) 499-5975; and
- 12 7. Defendants' counsel shall serve notice of this order on Defendants **by no later than**
13 **February 14, 2011**, and shall promptly file the proof of service with the Court.
- 14

15 IT IS SO ORDERED.

16 **Dated: February 11, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE