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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ZONE SPORTS CENTER, LLC, et al.,

Case No. 1:11-cv-00622-SKO

Plaintiffs,

**ORDER GRANTING PLAINTIFF'S  
COUNSEL'S MOTION TO WITHDRAW  
AS COUNSEL OF RECORD**

v.

BEN RODRIGUEZ,

(Doc. 114)

Defendant.

\_\_\_\_\_ /

The Court's March 6, 2013, order on Defendants' motion for summary judgment has been appealed and is currently pending before the Ninth Circuit. The remainder of the case has been stayed pending the outcome of that appeal.

On October 22, 2014, Plaintiffs' counsel filed a motion to withdraw as attorney of record due to a conflict of interest that has arisen between Plaintiffs and counsel. Specifically, Plaintiffs have filed suit against their counsel in state court related to their counsel's representation of them in another action. No opposition to counsel's motion has been filed. Due to the conflict of interest with his clients, counsel's request to withdraw is appropriate. California Rules of Prof. Conduct, Rule 3-700(C)(d). Moreover, because the underlying case is stayed, the withdrawal will not

1 prejudice Plaintiffs.<sup>1</sup>

2 Plaintiffs' counsel's motion is therefore GRANTED, and the hearing set for December 3,  
3 2014, is VACATED. Because Plaintiff Zone Sports Center, LLC is an artificial entity, it must  
4 retain counsel to pursue its claims in this court. *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 202  
5 (1993); *United States v. High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (per curiam);  
6 *see also Osborn v. Bank of U.S.*, 22 U.S. (9 Wheat.) 738, 829 (1824). As such, Plaintiffs are  
7 ORDERED to retain counsel who shall file a notice of appearance within 30 days of the date of  
8 this order.

9 Additionally, a status report was filed by the parties on November 26, 2014, indicating the  
10 matter before the appellate court remains pending. As such, the status conference currently set for  
11 December 3, 2014, is CONTINUED to March 4, 2015, at 9:30 a.m. The parties shall file an  
12 updated status report within 7 days of a dispositive order from the Ninth Circuit on the pending  
13 appeal or no later than February 25, 2015, whichever occurs first.

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16 IT IS SO ORDERED.

17 Dated: December 2, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> Plaintiffs' counsel notes that he also filed a request to withdraw as counsel of record for the pending appeal before the Ninth Circuit, which was granted.