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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAKE MILLER, individually
and doing business as MILLER HAY CO.,

Plaintiff,

v.

S&S HAY COMPANY, an Arizona limited
liability company; SKYE SAUER, an
individual; ARI SCHIFF, an individual,

Defendant.

Case No. 1:12-cv-01796-LJO-SMS

AMENDED ORDER GRANTING MOTION
TO WITHDRAW AS COUNSEL FOR
DEFENDANT SKYE SAUER

Paul M. Crane is the attorney for each of the defendants in this matter. On July 17, 2013, he moved to withdraw as counsel for Defendant Skye Sauer. Doc. 37. The motion cited Mr. Sauer's continuing inability to make satisfactory arrangement for payment of attorney's fees and costs in the case. The motion noticed a hearing for August 14, 2013.

Mr. Crane appeared telephonically at the August 14 hearing. Mr. Sauer did not attend. Plaintiff's counsel Kevin Little was excused from the proceedings. On the record, Mr. Crane described his efforts to contact Mr. Sauer to inform him of the hearing by telephone, voicemail, and email. Furthermore, in his motion, he certified that he had served Plaintiffs and Mr. Sauer.

A client's failure to pay outstanding fees or refusal to cooperate with his attorney are grounds for withdrawal from representation. Local Rule 83-182(d) provides, in pertinent part, "Withdrawal as attorney is governed by the Rules of Professional Conduct of the State Bar of California, and the attorney shall conform to the requirements of those Rules." *See* Cal.R.P.C. 3-

1 700(C)(1)(d) (permitting an attorney to withdraw from representation in a pending matter when the
2 client “renders it unreasonably difficult for the member to carry out employment effectively”) and
3 Cal.R.P.C. 3- 700(C)(1)(f) (permitting an attorney to withdraw from representation in a pending
4 matter when the client “breaches an agreement or obligation to the member as to expenses or
5 fees”).

6 On August 19, 2013, the Court filed an order granting the motion. Doc. 43. The Court now
7 amends the order and orders as follows:

- 8 1. The motion of Paul M. Crane to withdraw as counsel for Defendant Skye Sauer is
9 GRANTED.
- 10 2. Within ten days of this order, Paul M. Crane shall serve Skye Sauer with a copy of
11 this order.
- 12 3. Mr. Crane shall send to Mr. Sauer all documents composing his file.
- 13 4. Mr. Sauer may elect to retain other counsel. Until he does so, however, he is *pro se*
14 and will serve as the attorney in his case. **By and preferably before Tuesday,**
15 **September 10, 2013, Mr. Sauer shall file with the Court his mailing address,**
16 **telephone number, and email address.** Refer to case number 1:12-cv-01796-LJO-
17 SMS, and mail this information to:
18 United States District Court
19 2500 Tulare St. # 1501
20 Fresno, CA 93721
- 21 5. Mr. Sauer is reminded that an Initial Scheduling Conference is scheduled for 10:00
22 AM on September 18, 2013, in Courtroom 1 on the eighth Floor of the Robert E.
23 Coyle United States Courthouse, 2500 Tulare Street, Fresno, California 93721.
- 24 6. Mr. Sauer may retain other counsel. If he desires to do so, he is strongly encouraged
25 to do so before the scheduling conference.

26 IT IS SO ORDERED.

27 Dated: August 21, 2013

/s/ Sandra M. Snyder
28 UNITED STATES MAGISTRATE JUDGE

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