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

MARISOL TOPETE, ROSALBA  
MALDONADO,

Plaintiffs,

vs.

RAMOS FURNITURE, *et al.*

Defendant(s).

**Case No. 1:16-cv-00271-EPG**

**ORDER GRANTING MOTION TO  
WITHDRAW AS ATTORNEY OF  
RECORD**

(ECF No. 118)

**I. Background**

On June 29, 2017, Defendants’ counsel Paul J. Bauer of the Sagaser, Watkins & Wieland, PC law firm filed a motion to withdraw as counsel of record for Defendants Ramos Furniture and Furniture Deals, Inc. (ECF No. 118.) Plaintiffs filed a limited opposition objecting to the corporate defendants proceeding in this action without a lawyer. (ECF No. 121.) The Court held a hearing on the motion to withdraw on July 26, 2017. Attorney Bauer appeared with his client, Isridro Ramos, who is a principal of Defendants Ramos Furniture and Furniture Deals, Inc. Attorney Daniel Myers Kopfman appeared on behalf of Plaintiffs.

For the reasons set forth at the July 26, 2017 hearing, the motion to withdraw as counsel of record (ECF No. 118) is GRANTED.

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1           **II.     Applicable Law**

2           Rule 182(d) of the Local Rules of the United States District Court, Eastern District of  
3 California provides that an attorney who has appeared on behalf of a client may not withdraw,  
4 leaving the client *in propria persona*, without leave of court. “Withdrawal of an attorney is  
5 governed by the Rules of Professional Conduct of the State Bar of California.” Local Rule 182(d).  
6 Under those rules, permissive withdrawal of an attorney is allowed when, among other things, a  
7 client “knowingly and freely assents to termination of the employment.” Cal. Rule of Prof’l  
8 Conduct 3-700(C)(5). Courts maintain the discretion to grant or deny a motion to withdraw as  
9 counsel, however. *LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998). In considering such  
10 a motion, courts may consider: “(1) the reasons why withdrawal is sought; (2) the prejudice  
11 withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the  
12 administration of justice; and (4) the degree to which withdrawal will delay the resolution of the  
13 case.” *Leatt Corp. v. Innovative Safety Tech., LLC*, No. 09-CV-1301-IEG (POR), 2010 WL  
14 444708, at \*1 (S.D. Cal. Feb. 2, 2010). “Leave to withdraw may be granted subject to such  
15 appropriate conditions as the Court deems fit.” Local Rule 182(d).

16           “A corporation may appear in federal court only through licensed counsel.” *United States*  
17 *v. High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (citing *Rowland v. California*  
18 *Men's Colony*, 506 U.S. 194, 202-03, 113 S.Ct. 716, 721, 121 L.Ed.2d 656 (1993); 28 U.S.C. §  
19 1654). *See also* Local Rule 183(a) (“A corporation or other entity may appear only by an  
20 attorney.”).

21           For the reasons described on the record, this Court finds that Paul J. Bauer has met the  
22 standards described above and the Court will grant his motion to withdraw as counsel.

23           **III.     Order**

24           Accordingly, IT IS HEREBY ORDERED that:

- 25           1. Paul J. Bauer is relieved as counsel of record for Defendants Ramos Furniture and  
26 Furniture Deals, Inc.

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- 2. Defendants Ramos Furniture and Furniture Deals, Inc. shall ***not*** be permitted to proceed without an attorney in this action. If Defendants do not secure alternate counsel, they will be subject to default judgment.
- 3. The Clerk is directed to mail all case documents to Defendants Ramos Furniture and Furniture Deals, Inc. directly at:
  - Agent for Service of Process Jesus Sanchez, Jr.
  - Furniture Deals, Inc. dba Ramos Furniture
  - 844 Woodside Road
  - Redwood City, CA 94061
- 4. Within 14 days after entry of this Order, Paul J. Bauer shall provide Defendants with a copy of the complete case file, if he has not already done so. Paul J. Bauer shall also file information sufficient to allow Jesus Sanchez to be served via the pacer system in addition to regular mail.
- 5. The Clerk is directed to mail Defendants Ramos Furniture and Furniture Deals, Inc. a copy of this order.

IT IS SO ORDERED.

Dated: July 26, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE