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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDE, LLC,

 Plaintiff,

 v.

VALLEY PROTEIN, LLC,

 Defendant.

Case No. 1:16-cv-00527-KES-EPG

ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL

(ECF No. 94)

Judgment in favor of Plaintiff was entered in this case on August 6, 2019. (ECF No. 79). Attorney fees and costs have been awarded, and the case has been closed. (ECF Nos. 90, 91). Now before the Court is the motion to withdraw as counsel for Defendant filed by Russell K. Ryan and the law firm of Motschieder, Michaelides, Wishon, Brewer & Ryan, LLP (collectively MMWBR) and the accompanying declarations of Attorney Russell Ryan and Mr. Robert Coyle, who is the managing member of Defendant Valley Protein, LLC. (ECF Nos. 94, 95, 96). No response to the motion has been filed. *See* Local Rule 230(c) (providing 14 days for a response to a motion).

As grounds, the motion notes the judgment in this case but states that Plaintiff’s counsel has recently “served interrogatories and a request for production of documents seeking information they believe will assist with Linde’s enforcement of the judgment entered in this matter.” (ECF No. 94-1, p. 2). Further, the motion states as follows:

MMWBR demonstrates that there is good cause for withdrawal because there is nothing further they can do to assist Defendant in the matter. The entity defendant

1 is suspended by both the California Franchise Tax Board and the Secretary of State
2 and cannot be represented in court by counsel or anyone else. Furthermore,
3 MMWBR does not handle the defense of collections actions or bankruptcy
4 matters, and has advised Defendant to obtain new counsel to pursue either avenue.
5 There are no proceedings currently taking place in this case, so no party will suffer
6 prejudice, nor will any delay result from allowing MMWBR to withdraw.
7 Defendant has consented to the withdrawal of MMWBR, and MMWBR is not
8 charging Defendant for the time spent in pursuing withdrawal.

9 Valley Protein, LLC and Robert J. Coyle, its Managing Member, knowingly and
10 freely assents to the termination of the representation and acknowledges that they
11 have been informed of the consequences of its ability to appear pro se in federal
12 court. [Coyle Declaration, ¶3]

13 (*Id.* at 6).

14 Regarding withdraw of representation, Local Rule 182 provides as follows:

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

25 Local Rule 182(d).

26 While Attorney Ryan has not “provide[d] an affidavit stating the current or last known
27 address or addresses of the client,” the Court notes that the certificates of service for the motion to
28 withdraw and declarations list the address of Defendant as follows:

Mr. Robert Coyle
VALLEY PROTEIN, LLC
1828 East Hedges
Fresno, California 93703
bcoyle@cencalfoods.com

The Court will use this address for Defendant on the docket.

Likewise, the motion and accompanying declarations demonstrate that Defendant, through
its managing member, Mr. Robert Coyle, has been notified of the motion to withdraw. Most
importantly, Mr. Robert Coyle has submitted a declaration stating: “Valley Protein, LLC and
Robert J. Coyle, its Managing Member, knowingly and freely assents to the termination of the

1 representation of MMWBR in this matter and acknowledges that they have been informed of the
2 consequences of its ability to appear pro se in federal court.” (ECF No. 95, p. 2).

3 Accordingly, IT IS ORDERED as follows:

- 4 1. The motion to withdraw (ECF No. 94) filed by defense counsel is granted, and the June 7,
5 2024 hearing in this matter is vacated.
- 6 2. Attorney Russell K. Ryan and the law firm of Motschiedler, Michaelides, Wishon, Brewer
7 & Ryan, LLP are terminated as counsel of record.
- 8 3. The Clerk of Court is directed to use the following address for Defendant on the docket
9 and shall mail a copy of this order to:

10 Mr. Robert Coyle
11 VALLEY PROTEIN, LLC
12 1828 East Hedges
13 Fresno, California 93703
14 bcoyle@cencalfoods.com

15 IT IS SO ORDERED.

16 Dated: May 9, 2024

17 /s/ Eric P. Shroy
18 UNITED STATES MAGISTRATE JUDGE
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