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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 ROSEANNE GARCIA, et al.,

11 Plaintiffs,

12 v.

13 CITY OF FRESNO, et al.,

14 Defendants.
15

Case No. 1:16-cv-01340-LJO-SAB

ORDER CONTINUING PLAINTIFFS'
COUNSEL'S MOTION TO WITHDRAW AS
ATTORNEY OF RECORD TO NOVEMBER
9, 2017, AT 12:00 P.M.

16 Plaintiffs Roseanne Garcia and Rachel Curtice, as guardian ad litem for A.M., filed the
17 second amended complaint in this action on November 11, 2016. On July 3, 2017, Plaintiffs'
18 counsel filed a motion to withdraw as attorney of record.

19 On September 13, 2017, the Court heard oral argument on the motion to withdraw as
20 attorney of record. In order to give Plaintiffs the opportunity to discuss with counsel whether
21 they wanted to continue with this action, the hearing on the motion to withdraw was continued to
22 November 1, 2017, at 10:00 a.m. in Courtroom 9 before the undersigned. Plaintiffs Roseanne
23 Garcia and Rachel Curtice, as guardian ad litem for A.M., were informed at the September 13,
24 2017 hearing to appear at the November 1, 2017 hearing and to contact counsel, Cameron Sehat,
25 on October 3, 2017, for a teleconference.

26 On October 26, 2017, Plaintiffs' counsel filed a status report which states that counsel
27 and Plaintiffs had a teleconference on October 3, 2017, during which Plaintiffs expressed their
28 desire to continue to pursue this matter and seek new counsel. However, Ms. Curtice requested

1 that she be removed as guardian ad litem and that Ms. Garcia be appointed in that role. Ms.
2 Garcia stated that she had found new counsel to represent the parties. Plaintiffs' counsel told
3 Ms. Garcia to have the new attorneys contact them and for new counsel to file a notice of
4 representation and substitution of attorney. In the status report, Plaintiffs' counsel indicated that
5 no attorney has contacted them and Plaintiff's counsel continue to request that they be relieved
6 as attorneys of record.

7 On November 1, 2017, the Court held a hearing in this matter. Mr. Sehat, Plaintiff's
8 counsel, appeared telephonically. Bruce Praet appeared telephonically for Defendants. Ms.
9 Garcia was present for the hearing, but Ms. Curtice did not appear. The Court notes that Ms.
10 Curtice is still the guardian ad litem for A.M. Ms. Garcia and her daughter, Anna Marchese,
11 informed the Court during the hearing that Ms. Curtice has bronchitis. Ms. Garcia stated that she
12 had a lawyer in mind to represent Plaintiffs, but he dropped them as clients about two weeks ago.
13 Ms. Marchese stated that she tried to reach out to Plaintiffs' counsel, Scott Hughes, to inform
14 him about the situation with counsel.

15 Considering the motion to withdraw and in light of Ms. Curtice's failure to appear at the
16 November 1, 2017 hearing, the hearing on the motion to withdraw shall be continued to
17 November 9, 2017, at 12:00 p.m. in Courtroom 9 before the undersigned. Ms. Garcia was
18 informed at the November 1, 2017 hearing that she shall appear at the November 9, 2017
19 hearing. As Ms. Marchese and Ms. Garcia are in communication with Ms. Curtice, they were
20 directed at the November 1, 2017 hearing to inform Ms. Curtice that she shall appear at the
21 November 9, 2017 hearing and that she should submit a doctor's note regarding the illness that
22 prevented her from attending Court on November 1, 2017. The Court also informed Ms. Garcia
23 and Ms. Marchese that if Ms. Garcia and Ms. Curtice do not appear at the November 9, 2017
24 hearing, that the Court would have the United States Marshals Service enforce both this order
25 and the previous order of this Court.

26 Based on the foregoing, IT IS HEREBY ORDERED that:

- 27 1. Plaintiffs' counsel's motion to withdraw is CONTINUED to **November 9, 2017,**
28 **at 12:00 p.m. in Courtroom 9** before the undersigned;

1 2. Roseanne Garcia and Rachel Curtice SHALL APPEAR at the Robert Coyle
2 **Federal Courthouse, 2500 Tulare Street, Fresno, CA on November 9, 2017, at**
3 **12:00 p.m. in Courtroom 9; and**

4 3. Rachel Curtice shall submit a doctor's note regarding the illness that prevented
5 her from attending Court on November 1, 2017.

6
7 IT IS SO ORDERED.

8 Dated: November 1, 2017


UNITED STATES MAGISTRATE JUDGE