



1 same date, Mr. Artinian filed the motion to withdraw as counsel. (Doc. 6) The Court held at hearing  
2 on the motion to withdraw on April 6, 2018.

3 **II. Discussion and Analysis**

4 Withdrawal of counsel is governed by the Rules of Professional Conduct of the State Bar of  
5 California, and the Local Rules of the United States District Court, Eastern District of California. *See*  
6 LR 182. The withdrawal of representation is permitted under the Rules of Professional Conduct if a  
7 client “renders it unreasonably difficult for the member to carry our employment effectively.” Cal.  
8 R.P.C. 3-700(C)(1)(d). Local Rule 182(d) provides:

9 Unless otherwise provided herein, an attorney who has appeared may not withdraw  
10 leaving the client in propria persona without leave of court upon noticed motion and  
11 notice to the client and all other parties who have appeared. The attorney shall provide  
an affidavit stating the current or last known address or addresses of the client and the  
efforts made to notify the client of the motion to withdraw.

12 *Id.* Likewise, California’s Rules require the notice of motion and declaration to be served on the client  
13 and other parties who have appeared in the case. CRC 3.1362(d).

14 The decision to grant withdrawal is within the discretion of the Court, and leave “may be  
15 granted subject to such appropriate conditions as the Court deems fit.” LR 182; *see also Canandaigua*  
16 *Wine Co., Inc. v. Moldauer*, 2009 WL 989141, at \*1 (E.D. Cal. Jan. 14, 2009) (“The decision to grant  
17 or deny counsel’s motion to withdraw is committed to the discretion of the trial court.”). Factors the  
18 Court may consider include: (1) the reasons for withdrawal, (2) prejudice that may be caused to the  
19 other litigants, (3) harm caused to the administration of justice; and (4) delay to the resolution of the  
20 case caused by withdrawal. *Id.*, 2009 WL 989141, at \*1-2.

21 Mr. Artinian asserts JT Legal Group, APC, is unable to continue to representation because “the  
22 attorney-client relationship has suffered a breakdown in communication.” (Doc. 6 at 1) According to  
23 Mr. Artinian, Plaintiffs have “not been able to maintain [their] duties under the attorney client  
24 agreement.” (Doc. 6-1 at 2, Artinian Decl. ¶ 2) He asserts, “Due to breaches of the attorney client  
25 retainer agreement, the attorney cannot effectively represent the client moving forward, which  
26 necessitates the need for the instant withdrawal.” (*Id.*)

27 The declaration, and the proofs of service of the motion clearly indicate all parties, including  
28 Plaintiffs, were served with the documents required by the California Rules. (*See* Doc. 6-3 at 2)

1 Plaintiffs did not oppose the motion to withdraw, and thereby have indicated their consent to the  
2 withdrawal. In addition, it does not appear that Defendant would suffer any prejudice. Finally, any  
3 delay to the resolution of this case caused by the withdrawal will be minimal, particularly as the action  
4 has not yet been scheduled. Accordingly, the factors set forth by the Court in *Canandaigua Wine Co.,*  
5 *Inc. v. Moldauer* weigh in favor of granting the motion to withdraw.

6 **III. Conclusion and Order**

7 Vartkes Artinian followed the procedural and substantive requirements set forth in the  
8 California Rules of Professional Conduct and the Local Rules in filing the motion to withdraw as  
9 Plaintiff's attorney, and set forth sufficient reasons for the withdrawal. Therefore, the Court is acting  
10 within its discretion to grant the motion to withdraw. *See* LR 182. Accordingly, the Court **ORDERS:**

- 11 1. The motion to withdraw (Doc. 6) is **GRANTED**;
- 12 2. The Clerk's Office **SHALL TERMINATE** Vartkes Artinian and all attorneys from JT  
13 Legal Group, APC as "Lead Attorney to be Noticed" for Plaintiffs in the Court docket,  
14 and update the docket to reflect Plaintiffs' last known contact information as follows:  
15 James Carrington and Cheryl Carrington  
16 200 Sowerby Village Lane  
Bakersfield, California 93307
- 17 3. Plaintiffs **SHALL** notify the Court in writing of their intent to proceed with this action  
18 no later than **April 20, 2018**.

19 **Plaintiffs are advised that failure to comply with this order will result in a recommendation that**  
20 **the action be dismissed pursuant to Local Rule 110.**

21  
22 IT IS SO ORDERED.

23 Dated: **April 6, 2018**

24 **/s/ Jennifer L. Thurston**  
25 UNITED STATES MAGISTRATE JUDGE