

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

PUONGPUN SANANIKONE,

Plaintiff,

No. CIV S-07-1434 KJM KJN

vs.

UNITED STATES OF AMERICA, et al.,

Defendant.

vs.

PAUL TA, et al.,

Counterclaim Defendants.

ORDER

_____ /

The attorney for Counterclaim Defendant Nguyen Vo has moved for an order relieving her as counsel. Counsel avers that she has notified Vo of her request to be relieved, notes that Vo has assented to the withdrawal and acknowledged he will be representing himself should the request be granted, and explained that her request is based on Vo's non-payment of her fees. ECF No. 112 at 2; *see generally* L.R. 182. None of the other parties has responded to counsel's request to be relieved.

In ruling on a lawyer's motion to be relieved, a court should consider the reason for the withdrawal, any prejudice to other litigants, the potential harm to the administration of

1 justice, and the potential that the withdrawal will delay the resolution of the case. *Indymac*
2 *Federal Bank, F.S.B. v. McComic*, 2010 WL 2000013 at *1 (S.D. Cal. 2010). Any withdrawal
3 is governed by the California Rules of Professional Conduct. L.R. 182(d).


4 Counsel avers that Counterclaim Defendant Vo has failed to pay her fee, which is
5 a ground for withdrawal. *Indymac Federal Bank*, 2010 WL 2000013 at *1. In addition, Vo has
6 consented to the withdrawal; under California's Rules of Professional Conduct, withdrawal may
7 be appropriate when the client consents. Cal. Rules of Professional Conduct, Rule 3-700 (C)(5).
8 None of the remaining parties has objected and the court finds no indication that counsel's
9 withdrawal will prejudice the other litigants, particularly in light of the stipulated judgment
10 against Vo. ECF No. 111. Nor is there any suggestion that granting this motion will delay the
11 trial, currently set for October 17, 2011.

12 IT IS THEREFORE ORDERED:

13 1. Attorney Betty J. Williams' motion to be relieved as counsel for Counterclaim
14 defendant Vo (ECF No. 141) is granted and the hearing set for March 2, 2011 is vacated; and

15 2. The Clerk of the Court is directed to substitute Counterclaim defendant Vo in
16 pro per and serve a copy of this order on him at P.O. Box 2062, Carmichael, California 95609.

17 DATED: March 7, 2011.

18 
19 _____
20 UNITED STATES DISTRICT JUDGE

21 2

22 sana1434.rel
23
24
25
26