UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEWART MANAGO,

           Plaintiff,

   v.

BRAD WILLIAMS, et al.,

           Defendants.

No. 2:07-cv-02290-TLN-KJN P

ORDER

On March 18, 2014, attorney Mark R. Kruger, retained counsel for defendant Mary Brockett, filed a motion to withdraw his representation of Ms. Brockett due to his recent offer of employment as an Administrative Law Judge (ALJ) with the Appeals Division of the California State Personnel Board. Mr. Kruger is scheduled to commence this employment on May 1, 2014. He has informed Ms. Brockett that he is in the process of closing his private practice, and is unable to continue representing Ms. Brockett for this reason, as well as the inherent professional and ethical conflicts that would otherwise arise. See Decl. of Mark R. Krueger; and Decl. of Paul R. Ramsey, Chief ALJ, Calif. Personnel Board (ECF Nos. 281-1, 281-2).

Mr. Kruger states that Ms. Brockett, a former employee of the California Department of Corrections and Rehabilitation (CDCR), lacks sufficient funds to retain new counsel, and still retains an outstanding balance on her account for Mr. Kruger's services. Mr. Kruger states that, on March 10, 2014, he submitted a second request to CDCR to tender a defense on behalf of Ms.

Brockett, pursuant to California Government Code section 825 (indemnification of public employees). (Mr. Kruger states that he submitted his first request in 2008, when Ms. Brockett was served with plaintiff's First Amended Complaint.)

Mr. Kruger has demonstrated good cause supporting his motion to withdraw. See California Rules of Professional Conduct, Rule 3-700(C)(6) (incompatible activities and appearance of impropriety), and Rule 3-700(C)(1)(f) (client may breach fee obligation). Nevertheless, this case is at a critical juncture, between summary judgment and trial, and the court is awaiting the filing of defendants' statements indicating whether a settlement conference should be scheduled in this action, identifying the anticipated length of trial, and identifying any black-out dates when the parties are not available for trial or pretrial proceedings. (See ECF No. 279.) These statements are due Monday, March 31, 2014. (Id.) See Fed. R. Civ. P. 6 (a)(1)(C) (automatic extension of deadline that falls on a Saturday). However, neither Mr. Kruger nor Ms. Brockett are currently in a position to adequately and timely respond to these matters. (Plaintiff has already responded, indicating in part that he is unwilling to participate in a settlement conference at this time (see ECF No. 280).)
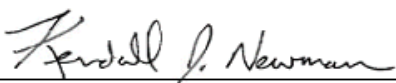
For these reasons, IT IS HEREBY ORDERED that:

1. The motion of Mr. Mark R. Kruger to withdraw as attorney of record for defendant Mary Brockett (ECF No. 281), is granted, effective April 1, 2014.

2. The Attorney General's Office is requested to file a statement, on or before March 31, 2014, informing the court whether it will assume Ms. Brockett's legal representation in this action.

3. The Clerk of Court is directed to serve a copy of this order on Ms. Mary Brockett, at the following mailing address: P.O. Box 5278, El Dorado Hills CA 95762.

SO ORDERED.

Dated: March 21, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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