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

THE ORCHARD ENTERPRISE, Inc., a	)	
Delaware corporation,	)	
	)	
Plaintiff,	)	2:08-cv-00553
	)	
v.	)	<u>ORDER</u> *
	)	
TUFAMERICA, Inc., a New York	)	
corporation,	)	
	)	
Defendants.	)	
_____	)	

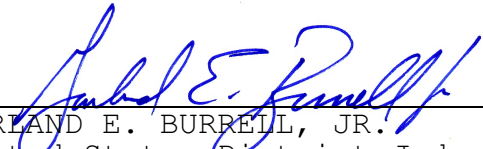
Defendant's attorney's motion to withdraw as Defendant's counsel, filed June 26, 2009, is denied since the movant's conclusory statements that "[a] substantial strategic difference of opinion, [and] breakdown of attorney client communication," do not justify granting the motion. Moreover, Defendant would be prejudiced if the motion is granted because a corporation "can only appear in [this] court proceeding only through an attorney at law." *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972); see also L.R. 85-183(a) ("A corporation or other entity may appear only by an attorney."); Lindsey v. Admiral

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\* This matter was determined to be suitable for decision without oral argument. E.D. Cal. R. 78-230(h).

1 Ins. Co., 804 F. Supp. 47, 52 (N.D. Cal. 1992) (noting a corporation  
2 "cannot appear pro per."). This prejudice is not discussed in the  
3 motion. Further, it has not been shown why counsel should be allowed  
4 to withdraw when trial is scheduled to commence on October 27, 2009.

5 Dated: August 10, 2009

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9 GARLAND E. BURRELL, JR.  
10 United States District Judge  
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