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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 Four in One Company, et al.,

12 Plaintiffs,

13 v.

14 SK Foods, L.P. et al.,

15 Defendants.  
16

No. 2:08-cv-03017-KJM-JDP

ORDER

17 Attorney Malcolm Segal moves to withdraw as counsel for defendant Scott Salyer, which  
18 would leave Mr. Salyer without counsel. ECF No. 298. No party filed an opposition or statement  
19 of non-opposition. As explained in this order, the motion is granted.

20 If withdrawal would leave a client *in propria persona*, Local Rule 182(d) requires the  
21 withdrawing party to seek leave of court, file a formal motion and provide notice of the  
22 withdrawal to the client and all other parties who have appeared. The attorney must also provide  
23 an affidavit stating the current or last known address or addresses of the client and the efforts  
24 made to notify the client of the motion to withdraw. *Id.* Withdrawal must also comply with the  
25 Rules of Professional Conduct of the State Bar of California. *Id.* Rule 1.16 requires an attorney  
26 to take “reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client, such  
27 as giving the client sufficient notice to permit the client to retain other counsel, and complying  
28 with paragraph (e),” which in turn requires counsel to return the client’s materials and property

1 and any expenses or fees paid in advance that the lawyer has not earned or incurred. The Rules  
2 also permit withdrawal if, as relevant here, “the client knowingly and freely assents to termination  
3 of the representation.” Cal. R. Prof. Conduct 1.16(b)(6).

4 Whether to grant a motion to withdraw is within the court’s discretion. *United States v.*  
5 *Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009). Courts consider several factors when evaluating a  
6 motion to withdraw, including the reasons for withdrawal, possible prejudice to the client and  
7 other litigants, harm to the administration of justice, and possible delay. *Deal v. Countrywide*  
8 *Home Loans*, No. 09-01643, 2010 WL 3702459, at \*2 (N.D. Cal. Sept. 15, 2010) (citation  
9 omitted).

10 Mr. Segal has complied with the rules described above. He has requested leave to  
11 withdraw in a formal motion, has given notice to all parties, and has submitted an affidavit with  
12 Mr. Salyer’s current address. *See* Mot., ECF No. 298; *id.* Ex. 1, ECF No. 298-1. Mr. Salyer has  
13 also submitted a declaration confirming that he requested that Mr. Segal withdraw. *See id.* Ex. 2,  
14 ECF No. 298-2. The relevant factors described above also weigh in favor of the motion. No  
15 party opposes the motion, Mr. Salyer has confirmed he would like to proceed without counsel,  
16 and the court perceives no likely delays or harms to the administration of justice if the motion is  
17 granted.

18 The motion is thus **granted**. Mr. Segal and his firm, Segal & Associates, are **terminated**  
19 as counsel in this proceeding.

20 IT IS SO ORDERED.

21 DATED: November 5, 2020.

  
CHIEF UNITED STATES DISTRICT JUDGE