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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCIES WEBB,

Plaintiff,

v.

WACHOVIA MORTGAGE, a
division of WELLS FARGO
BANK, N.A., et al.,

Defendants.

NO. CIV. S-11-0516 LKK/GGH

O R D E R

_____ /
Pending before the court is a motion by Carl F. Schetter for leave to withdraw as counsel for Plaintiff Francies Webb. Pl's Counsel's Mot., ECF No. 32 (Sept. 28, 2011). No party has filed an opposition or statement of non-opposition to the motion. A hearing on the motion is currently set for November 7, 2011, for which Defendant Wachovia Mortgage has filed an application to appear telephonically. Def's Appl., ECF No. 34 (Nov. 1, 2011). The court does not find oral argument on this motion to be necessary.

Mr. Schetter ("Counsel") claims that he was the attorney of

1 record for Plaintiff in this action filed in Solano County Superior
2 Court and also represented her in the accompanying unlawful
3 detainer action, but that he was substituted out as counsel in the
4 Solano County actions. ECF No. 32, at 1. Counsel seeks to
5 withdraw because he does not practice in federal courts;
6 disagreements with Plaintiff with respect to proceeding in these
7 legal matters have become "an obstacle to prosecution of the
8 claim"; and Plaintiff has failed to communicate with Counsel,
9 making it "impossible to continue his representation." Id. at 1-2.
10 Counsel asserts that this request to withdraw as counsel will not
11 adversely affect Plaintiff or Defendant and that there is
12 "sufficient time for plaintiff to seek and retain new counsel to
13 prepare this case for trial." Id. at 2.

14 Mr. Schetter has provided notice of this motion to Plaintiff
15 and counsel for Defendant. Proof Service, ECF No. 33 (Sept. 28,
16 2011).

17 Accordingly, the court ORDERS as follows:


- 18 1. The hearing currently set for November 7, 2011 is
19 VACATED.
- 20 2. Defendant's application to appear telephonically at the
21 hearing on Plaintiff's counsel's motion to withdraw at
22 attorney is DENIED, as moot.
- 23 3. The motion to withdraw, ECF No. 32, is GRANTED.
- 24 4. Counsel is ORDERED to release all client papers and
25 property to client within fifteen (15) days of the date
26 of this order, including correspondences, pleadings,

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deposition transcripts, exhibits, physical evidence,
expert reports, and other items reasonably necessary to
the client's representation, whether the client has paid
for them or not, in accordance with Rule 3-700(D) of the
California Rules of Professional Conduct.

IT IS SO ORDERED.

DATED: November 2, 2011.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT