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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MYECHECK, INC.,

Plaintiff,

v.

SEVEN MILES SECURITIES, et al.,

Defendants.

No. 2:14-cv-02889-KJM-AC

ORDER

This matter is before the court on Brian R. Katz's motion to withdraw as counsel for plaintiff. Mot, ECF No. 56. The motion is unopposed. As explained below, the motion is DENIED.

I. LEGAL STANDARD

The local rules of this district require an attorney who would withdraw and leave his or her client without representation to obtain leave of the court upon a noticed motion. E.D. Cal. L.R. 182(d). Local Rule 182(d) also requires an attorney to provide notice to the client and all other parties who have appeared, and an affidavit stating the current or last known address of the client. Finally, to comply with Local Rule 182(d), the attorney must conform to the requirements of the California Rules of Professional Conduct. *Id.* California Rule of Professional Conduct 3-700 provides several grounds upon which an attorney may seek to

1 withdraw, including where “[t]he client knowingly and freely assents to termination of the
2 employment,” Cal. R. Prof. Conduct 3-700(C)(5), and where the client’s conduct has “render[ed]
3 it unreasonably difficult for the member to carry out the employment effectively,” *id.*
4 3-700(C)(1)(d).

5 The decision to grant or deny a motion to withdraw is within the court’s discretion.
6 *McNally v. Eye Dog Found. for the Blind, Inc.*, No. 09-01184, 2011 WL 1087117, at *1 (E.D.
7 Cal. Mar. 24, 2011) (citation omitted). District courts in this circuit have considered several
8 factors when evaluating a motion to withdraw, including the reason for withdrawal, prejudice to
9 the client, prejudice to the other litigants, harm to the administration of justice, and possible
10 delay. *See Deal v. Countrywide Home Loans*, No. 09-01643, 2010 WL 3702459, at *2 (N.D. Cal.
11 Sept. 15, 2010); *CE Res., Inc. v. Magellan Group, LLC*, No. 08-02999, 2009 WL 3367489, at *2
12 (E.D. Cal. Oct. 14, 2009); *Beard v. Shuttermart of Cal., Inc.*, No. 07-594, 2008 WL 410694, at *2
13 (S.D. Cal. Feb. 13, 2008).

14 II. DISCUSSION

15 Here, granting the motion to withdraw would leave corporate plaintiff MyEcheck
16 without counsel. “It is a longstanding rule that corporations and other incorporated associations
17 must appear in court through an attorney.” *CE Res., Inc., LLC v. Magellan Group, LLC*, 2009
18 WL 3367489, at *2 (9th Cir. Oct. 14, 2009) (attorney not allowed to withdraw in representation
19 of corporate client). Local Rule 183(a) confirms that a corporation or other entity may only
20 appear through an attorney. A grant of Mr. Katz’s motion in this instance would effectively place
21 the plaintiff in violation of the rules as it would no longer have counsel to represent it.

22 While Mr. Katz avers he has attempted to contact plaintiff in multiple ways on
23 multiple occasions, he has not indicated an attempt to advise plaintiff of the need to substitute
24 counsel, or an attempt to advise his client of the rules violations it would incur should he be
25 allowed to withdraw. “It is the duty of the trial court to see that the client is protected, so far as
26 possible, from the consequences of an attorney’s abandonment.” *CE Res., Inc.*, 2009 WL
27 3367489, at *2. Accordingly, in order to protect plaintiff’s interests before this tribunal, the court
28 declines to grant Mr. Katz’s request at this time.

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III. CONCLUSION

For the reasons stated above, Mr. Katz's motion to withdraw is DENIED without prejudice.

This order resolves ECF No. 56.

IT IS SO ORDERED.

DATED: December 1, 2016.


UNITED STATES DISTRICT JUDGE