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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

INTELLECTUAL CAPITAL  
MANAGEMENT & SERVICER, INC.,  
a California corporation,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a  
limited liability company;  
AMERICA'S WHOLESALE LENDER, a  
subsidiary of Bank of  
America, N.A.; BANK OF  
AMERICA N.A., a National  
Association; BANK OF NEW YORK  
MELLON, a corporation;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEM INC., a  
corporation; VERIPRISE  
PROCESSING SOLUTIONS LLC, a  
limited liability company;  
FIELD ASSET SERVICES INC., a  
corporation; SAFEGUARD  
PROPERTIES LLC, a limited  
liability company; MICHAEL  
SALZA, an individual; ALBANY  
SCOTT, an individual, and  
DOES 1 through 100,  
inclusive,

Defendants.

No. 2:15-cv-00850-GEB-CKD

**ORDER TO SHOW CAUSE AND  
CONTINUING HEARING ON  
DEFENDANTS' DISMISSAL MOTIONS**

Pending for decision are three dismissal motions  
seeking to dismiss Plaintiff's Complaint under Federal Rule of  
Civil Procedure 12(b)(6). (See ECF Nos. 8, 12, 13.) Each

1 dismissal motion is noticed for hearing on June 29, 2015.  
2 Plaintiff failed to file an opposition or statement of non-  
3 opposition to each motion as required by Local Rule 230(c).

4 Further, in certain Defendants' Notice of Plaintiff's  
5 failure to oppose their motion, Defendants state they  
6 "ha[ve] . . . received an unofficial notice that [Plaintiff's]  
7 attorney of record is no longer representing the Plaintiff in  
8 this action." (Def.'s Notice, ECF No. 15.) Defendants attached as  
9 an exhibit to their Notice an email from Plaintiff's counsel, in  
10 which he states: "I'm no longer representing ICM & Servicer, Inc.  
11 Please direct all further mailings and notifications to their  
12 agent for service of process or ICM's address directly." (Id. Ex.  
13 A.)

14 Local Rule 182(d) prescribes:

15 Unless otherwise provided herein, **an**  
16 **attorney who has appeared may not withdraw**  
17 **leaving the client *in propria persona* without**  
18 **leave of court** upon noticed motion and notice  
19 to the client and all other parties who have  
20 appeared. . . . Withdrawal as attorney is  
21 governed by the Rules of Professional Conduct  
of the State Bar of California, and the  
attorney shall conform to the requirements of  
those Rules. **The . . . duty of the attorney**  
**of record shall continue until relieved by**  
**order of the Court** issued hereunder. . . .

22 (emphasis added). Further, the California Rules of Professional  
23 Conduct prohibit an attorney from withdrawing his or her  
24 representation "until the [attorney] has taken reasonable steps  
25 to avoid reasonably foreseeable prejudice to the rights of the  
26 client, including giving due notice to the client, allowing time  
27 for employment of other counsel, . . . and complying with  
28 applicable laws and rules." Cal. R. Prof. Conduct 3-700(A)(2).

1 Here, it is unknown what efforts, if any, Plaintiff's  
2 counsel has taken to avoid prejudicing his client, especially  
3 since Plaintiff is a corporation, which "may appear in . . .  
4 federal court[] only through licensed counsel." Rowland v. Cal.  
5 Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-  
6 202 (1993); see also E.D. Cal. R. 183 ("A corporation . . . may  
7 appear only by an attorney."). Further, the "[f]ailure of a  
8 corporation to retain counsel may result in its complaint . . .  
9 being stricken." S. Parker Constr., Inc. v. Suntex Homes, LLC,  
10 No. 2:08-CV-1439 JCM (GWF), 2010 WL 4983292, at \*1 (D. Nev. Dec.  
11 2, 2010); accord Mastodon Invs. v. CIT Grp., Inc., No. CIV S-08-  
12 392 FCD KJM PS, 2008 WL 1787765, at \*1 (E.D. Cal. Apr. 15, 2008)  
13 (striking unrepresented corporate plaintiffs from amended  
14 complaint).

15 For the stated reasons, Plaintiff's counsel, Eric  
16 Rasmussen, is Ordered to Show Cause ("OSC") in a writing to be  
17 filed no later than June 22, 2015, why sanctions should not be  
18 imposed against him for failing to file an opposition or  
19 statement of non-opposition to the pending dismissal motions. The  
20 filing shall also state why sanctions should not be imposed  
21 against him for the apparent abandonment of his client, and for  
22 his failure to comply with Local Rule 182(d) if he intends to  
23 seek an order authorizing his withdrawal as Plaintiff's counsel.  
24 Plaintiff's counsel is warned that potential sanctions include a  
25 monetary sanction and/or referral of this matter to the State Bar  
26 of California. If a hearing is requested on the OSC, it will be  
27 held on August 3, 2015, at 9:00 a.m., just prior to the status  
28 conference scheduled on that date.

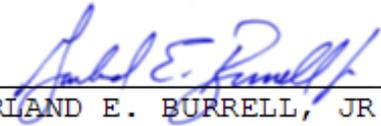
1 Further, since Plaintiff has not responded to the  
2 pending dismissal motions, those motions are rescheduled for  
3 hearing on July 27, 2015, commencing at 9:00 a.m. Plaintiff shall  
4 file an opposition or statement of non-opposition to the  
5 rescheduled motions as required by Local Rule 230(c).

6 The Clerk of the Court shall also serve a copy of this  
7 order on Plaintiff at the following address<sup>1</sup>:

8 9911 W. Pico Blvd., Suite 1520

9 Los Angeles, CA 90035

10 Dated: June 18, 2015

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14 GARIAND E. BURRELL, JR.  
15 Senior United States District Judge  
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28 <sup>1</sup> Plaintiff's counsel provided this address in the referenced email as the  
"best address to use" for Plaintiff. (Def.'s Notice, Ex. A.)