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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD F. TRINCHITELLA,

Plaintiff,

v.

AMERICAN REALTY PARTNERS, LLC,
et al.,

Defendants.

No. 2:15-cv-02365-DAD-JDP

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
MOTION TO WITHDRAW AS COUNSEL

(Doc. Nos. 83, 88)

On September 15, 2022, attorneys Stephen W. Robertson and Stephen Ramazzini of the law firm Hardy Erich Brown & Wilson filed an unopposed motion to withdraw as counsel of record for defendants American Realty Partners, LLC (“ARP”); Performance Realty Management, LLC (“PRM”); Corix Bioscience, Inc. (“Corix”)¹; and Sean Zarinegar (collectively, “defendants”). (Doc. No. 83.) That motion was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 7, 2023, the assigned magistrate judge issued findings and recommendations recommending that the pending motion to withdraw as counsel for defendants (Doc. No. 83) be

¹ Although plaintiff named defendant American Housing Income Trust, Inc. (“AHIT”) as a separate defendant in his operative second amended complaint, the court has already concluded that American Housing Income Trust, Inc. is the same entity as defendant Corix—AHIT changed its name to Corix; they are not separate entities. (See Doc. No. 68 at 3–4.) Accordingly, the court construes the pending motion as seeking withdrawal as counsel of record for defendant AHIT as well.

1 granted. (Doc. No. 88.) The magistrate judge also recommended that defendants not be allowed
2 any additional time to obtain new counsel because defendants have already been afforded ample
3 time to obtain new lead counsel; specifically, the court stayed this action in August 2020 to allow
4 defendants an opportunity to hire new counsel, and they still have not done so. (*Id.* at 3, n.2.) In
5 addition, as noted in the findings and recommendations, defendants ARP, PRM, and Corix are all
6 no longer operating; they are dissolved entities.² (*Id.* at 2.) Further, the individual defendant
7 Zarinegar did not oppose the pending motion to withdraw as counsel for defendants, and counsel
8 provided defendant Zarinegar's last known address: 42132 N. Mountain Cove Drive, Phoenix,
9 AZ, 85086. (*See* Doc. No. 83-1 at 7.) The pending findings and recommendations were served
10 on all parties and contained notice that any objections thereto were to be filed within fourteen
11 (14) days of service. (*Id.* at 3.) No objections have been filed, and the time in which to do so has
12 now passed.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court conducted a *de*
14 *novo* review of the case. Having carefully reviewed the file, the court concludes that the findings
15 and recommendations are supported by the record and proper analysis.

16 Accordingly,

- 17 1. The findings and recommendations issued on August 7, 2023 (Doc. No. 88) are
18 adopted in full;
- 19 2. The motion to withdraw as counsel of record for defendants filed by attorneys
20 Stephen W. Robertson and Stephen Ramazzini of the law firm Hardy Erich Brown
21 & Wilson (Doc. No. 83) is granted;
- 22 3. The Clerk of the Court is directed to update the docket in this action to include
23 defendant Sean Zarinegar's last known contact information and addresses of
24 record as follows:

25 Sean Zarinegar
26 42132 N. Mountain Cove Drive
Phoenix, AZ, 85086

27 _____
28 ² The undersigned notes that plaintiff filed a motion for default judgment against defendants,
which remains pending before the assigned magistrate judge. (Doc. No. 77.)

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4. The Clerk of the Court is also directed to serve a copy of this order upon the defendant Zarinagar at the above address; and

5. The Clerk of the Court is further directed to terminate attorneys Stephen W. Robertson and Stephen Ramazzini as counsel of record for defendants American Realty Partners, LLC; Performance Realty Management, LLC; Corix Bioscience, Inc.; American Housing Income Trust, Inc.; and Sean Zarinagar.

IT IS SO ORDERED.

Dated: August 29, 2023

Dale A. Droyd
UNITED STATES DISTRICT JUDGE