



1 partially granted defendants' motion to dismiss on October 12, 2016, the remaining defendants  
2 are Officer Hatzell and the City of Fairfield. (ECF No. 19.) Defendants have answered the  
3 operative Second Amended Complaint. (ECF Nos. 20 & 21.) Discovery has closed. (ECF No.  
4 25.)

5 II. Motion to Withdraw

6 On March 1, 2018, plaintiffs' counsel filed the instant motion to withdraw. (ECF No. 30.)  
7 Counsel claim irreconcilable differences with plaintiffs, citing a sealed declaration by plaintiffs'  
8 attorney Melissa Nold. The court has reviewed Ms. Nold's sealed declaration.

9 Four months prior to filing their motion to withdraw, in November 2017, plaintiffs'  
10 counsel stated their intention to withdraw, and the parties stipulated to a 90-day stay to permit  
11 plaintiffs to obtain alternate counsel and/or dismiss their claims. (ECF Nos. 26 & 27.) In  
12 December 2017, plaintiffs A.C. and I.C. dismissed their claims. (ECF No. 28.) The remaining  
13 plaintiffs have not opposed the instant motion. Ms. Nold avers that, while she has been in contact  
14 with some plaintiffs since filing the motion to withdraw, others have not responded to counsel's  
15 recent attempts to contact them.<sup>1</sup> (See ECF No. 30 at 4.)

16 Eastern District of California Civil Local Rule 182(d) authorizes an attorney to withdraw  
17 as counsel of record so long as he or she (1) provides advance written notice to the client and all  
18 other parties in the action and (2) obtains leave of court. Withdrawal as attorney is governed by  
19 the Rules of Professional Conduct of the State Bar of California, and the attorney shall conform to  
20 the requirements of those Rules. Id. Permission to withdraw is discretionary. See LaGrand v.  
21 Stewart, 133 F.3d 1253, 1269 (9th Cir. 1998).

22 Here, counsel provided advance notice to plaintiffs and defendants' counsel, and the  
23 request to withdraw is supported by good cause as set forth in Ms. Nold's sealed declaration.

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27 <sup>1</sup> Following the hearing on the motion, plaintiff Arturo Ceja-Gonzalez dismissed his claims.  
28 (ECF No. 37.)

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Accordingly, IT IS HEREBY ORDERED that plaintiffs' counsel's motion to withdraw (ECF No. 30) is granted.

Dated: April 13, 2018

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

2 / ac v fairfield.withdraw