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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARGARIT HOVHANNISYAN, et al.,
Plaintiffs,
v.
JP MORGAN CHASE BANK, N.A., et
al.,
Defendants.

No. 2:16-cv-01050-MCE-EFB

ORDER

Presently before the Court is a Motion to Withdraw as Counsel (ECF Nos. 26, 28) filed by the Law Offices of Ted A. Greene, Inc. ("Counsel"), counsel for Plaintiffs Margarit Hovhannisyan and Lyova Sargsyan ("Plaintiffs"). Through that Motion, Counsel seeks to withdraw with Plaintiffs' consent, leaving Plaintiffs in propria persona.¹

Counsel's Motion is governed by the requirements of Eastern District of California Local Rule 182(d), which provides, among other things, that an attorney may not withdraw, leaving the client in propria persona, absent a noticed motion, appropriate affidavits, notice to the client and all other parties who have appeared, and compliance with the Rules of Professional Conduct of the State Bar of California.

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¹ Counsel's Motion is set for hearing on August 11, 2016, but Counsel also filed a Motion to Shorten Time so that the request could be expedited. The latter Motion (ECF No. 27) is GRANTED.

1 California Rule of Professional Conduct 3-700(C)(6) permits a member of the
2 State Bar to seek to withdraw from representation when “[t]he member believes in good
3 faith . . . that the tribunal will find the existence of . . . good cause for withdrawal.”
4 However, “[a] member shall not withdraw from employment until the member has taken
5 reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client,
6 including giving due notice to the client, allowing time for employment of other
7 counsel, . . . and complying with applicable laws and rules.” Cal. R. of Professional
8 Conduct 3-700(A)(2). Whether to grant leave to withdraw is subject to the sound
9 discretion of the Court and “may be granted subject to such appropriate conditions as
10 the Court deems fit.” E.D. Cal. Local R. 182(d); Canandaigua Wine Co., Inc. v. Edwin
11 Moldauer, No. 1:02-cv-06599 OWW DLB, 2009 WL 89141, at *1 (E.D. Cal. Jan. 14,
12 2009).

13 Counsel’s motion properly provides notice to Plaintiff and to all other parties
14 appearing in the action. The motion therefore procedurally complies with the
15 requirements of Local Rule 182(d). Substantively, Counsel also offers evidence that it
16 was Plaintiffs who initiated the instant request because they prefer to proceed pro se.
17 Indeed, Plaintiffs signed consent to the substitution of counsel forms agreeing to the
18 same. ECF No. 11. Because California Rule of Professional Conduct 3-700(C)(5)
19 allows for counsel to request withdrawal if “[t]he client knowingly and freely assents to
20 termination of the employment,” Counsel’s Motion is well-taken.

21 The Court does note that there are dispositive motions pending, which could lend
22 itself to a finding that Plaintiffs will be prejudiced by Counsel’s withdrawal. To alleviate
23 this potential prejudice, the Court finds that continuing the hearing on the pending
24 motions to dismiss is warranted.

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1 Because Counsel's request is procedurally correct, substantively supported and
2 unopposed, Counsel's Motion to Shorten Time (ECF No. 27) and Motion to Withdraw
3 (ECF Nos. 26, 28) are GRANTED, and the August 11, 2016, hearing on this matter is
4 VACATED. The Law Offices of Ted A. Greene, Inc., is relieved as counsel of record for
5 Plaintiffs effective upon the filing of proof of service of this signed Memorandum and
6 Order on Plaintiff at their last known address:

7 3637 Reedsport Court
8 Sacramento, CA 95826

9 Finally, on the Court's own motion, the July 28, 2016, hearing on Defendants' pending
10 Motions to Dismiss (ECF Nos. 9 and 12) is VACATED and CONTINUED to Thursday,
11 August 25, 2016, at 2:00 p.m. in Courtroom 7.

12 IT IS SO ORDERED.

13 Dated: July 22, 2016

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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