

1 RULES OF PROF'L CONDUCT R. 3-700(A). Attorneys cannot request a withdrawal unless the
2 client's conduct "renders it unreasonably difficult for the [attorney] to carry out the employment
3 effectively" or "breaches an agreement or obligation to the member as to expenses or fees." CAL.
4 RULES OF PROF'L CONDUCT R. 3-700(C). District courts have discretion to decide whether to
5 permit counsel to withdraw. *See La Grand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998).

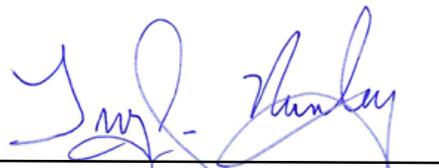
6 Mr. Vitiello provided a signed declaration stating he seeks to withdraw as counsel on the
7 grounds that Plaintiff has violated the written retainer agreement by failing to cooperate during
8 the course of the action and by failing to pay invoices. (ECF No. 12 at 3.) Mr. Vitiello detailed a
9 number of attempts made to contact Plaintiff to inform her of his intent to withdraw unless
10 communication and compliance improved. (ECF No. 12 at 3.) Mr. Vitiello argues Plaintiff has
11 made it "unreasonably difficult" for him to serve "effectively." (ECF No. 12 at 4.) Further, Mr.
12 Vitiello has shown that his withdrawal will not cause delay and his continued representation of
13 Plaintiff may harm efficiency given the breakdown in their relationship. (ECF No. 12 at 5.) Mr.
14 Vitiello has provided the Court with Plaintiff's last known address. (ECF No. 13 ¶ 18.)

15 Mr. Vitiello's motion and declaration satisfy the requirements of Local Rule 182(d) and
16 California Rules of Professional Conduct 3-700(A) and (C). The parties are still at a relatively
17 early point in the litigation, and it does not appear that either delay or prejudice will result from
18 Mr. Vitiello's withdrawal. *Canandaigua Wine Co., Inc. v. Moldauer*, 2009 WL 89141, at *4
19 (E.D. Cal. Jan. 14, 2009.)

20 Accordingly, the Court hereby GRANTS Mr. Vitiello's Motion for Leave to Withdraw as
21 Counsel (ECF No. 12). Pursuant to Local Rule 302, this matter is referred to the magistrate
22 judge. L.R. 302(c)(21).

23 IT IS SO ORDERED.

24 Dated: November 27, 2017

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26 
27 Troy L. Nunley
28 United States District Judge