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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LISA GUTIERREZ,

Plaintiff,

v.

WEBCOLLEX, LLC,

Defendant.

No. 2:23-cv-00988 AC

ORDER

Before the court is a motion brought by attorneys Gregory A. Ferren and James McDaniel to withdraw as counsel for defendant Webcollex, LLC. ECF No. 31. The matter was set for hearing, as is the practice of the undersigned, in order to provide an final opportunity for a principal of the defendant entity to appear and be heard. See ECF No. 27 at 2; ECF No. 35. Mr. Ferren has now demonstrated to the court's satisfaction that he has been unable to contact any representative of the defendant LLC, which is now defunct, despite good faith efforts to provide the required notice. See ECF No 31-1 (declaration of counsel attesting to defendant's dissolution and counsel's unsuccessful attempts to contact a representative of the former LLC); ECF Nos. 36 (updated declaration of counsel attesting that certified mail sent to client was returned as undeliverable), 36-1 (copy of returned mail envelope). Accordingly, the hearing scheduled for September 18, 2024, will be vacated.

The motion to withdraw, ECF No. 31, will be granted. Counsel of record have complied

1 with Local Rule 182(d) and demonstrated grounds for withdrawal under the California Rules of
2 Professional Conduct. See ECF No. 31-1.

3 The motion for class certification remains submitted for decision. ECF No. 30.

4 Accordingly, IT IS HEREBY ORDERED as follows:

- 5 1. The hearing on defense counsel's motion to withdraw, previously set for September 18,
6 2024, is VACATED;
- 7 2. The motion to withdraw, ECF No. 31, is GRANTED.

8 IT IS SO ORDERED.

9 DATED: August 28, 2024

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE

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