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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GORDON SIMPSON,

No. C-06-4837 EMC

Plaintiff,

v.

**ORDER GRANTING PLAINTIFF'S
ATTORNEY'S MOTION TO
WITHDRAW**

OFFICER A. McNACK, *et al.*,

Defendants.

(Docket No. 90)

The Richardson law firm, counsel for Plaintiff Gordon Simpson, has filed a motion to withdraw as counsel for Mr. Simpson. A hearing was held on the motion on May 27, 2009. Having considered the motion to withdraw, as well as the representations of both Mr. Richardson and Mr. Simpson made at the May 27 hearing, the Court hereby **GRANTS** the motion.

“In the Northern District of California, the conduct of counsel is governed by the standards of professional conduct required of members of the State Bar of California, including the Rules of Professional Conduct of the State Bar of California.” *Hill Design Group v. Wang*, No. C 04-521 JF (RS), 2006 U.S. Dist. LEXIS 93449, at *11 (N.D. Cal. Dec. 11, 2006). Under California Rule of Professional Conduct 3-700, counsel may withdraw from representation if, *inter alia*, the client’s “conduct renders it unreasonably difficult for the [attorney] to carry out the employment effectively.” Cal. R. Prof. Conduct 3-700(C)(1)(d). In the instant case, it is clear that the relationship between counsel and Mr. Richardson has deteriorated such that counsel can no longer effectively represent Mr. Simpson. Accordingly, the motion to withdraw is granted.

1 The withdrawal, however, is not effective immediately. Rather, the withdrawal shall be
2 effective as of **June 26, 2009**. Prior to that date, Mr. Simpson may elect to have his deposition
3 completed and have the Richardson law firm represent him at the continued deposition. Regardless
4 of whether Mr. Simpson makes that election, the Richardson's law firm's representation of Mr.
5 Simpson shall terminate as of June 26, 2009.

6 With the exception of the continued deposition (should Mr. Simpson make the above
7 election), all other proceedings in this case are stayed until July 29, 2009 to give Mr. Simpson an
8 opportunity to find counsel to represent him *and* to have that counsel make an appearance with this
9 Court. All papers and pleadings shall be served on Mr. Simpson at the last known address provided
10 by counsel -- which is 1090 B Street, #139, Hayward, California 94546 -- unless Mr. Simpson
11 notifies the Court that a different address should be used.¹

12 If no appearance by counsel is made by the above date, the stay will be lifted and the case
13 shall proceed and Mr. Simpson shall continue with this case pro per. On July 29, 2009, at 2:30 p.m.,
14 the Court shall hold a further case management conference. The parties should file a joint case
15 management conference statement by July 22, 2009 to provide the Court with an update on the case.
16 All previous case management deadlines, as set forth in the Court's case management scheduling
17 order of March 12, 2009, *see* Docket No. 89, are hereby **VACATED**. The Court will issue new
18 dates in a separate case management order.

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27 ¹ The last known telephone number for Mr. Simpson is (510) 887-0394. As above, the Court
28 will use this number, if needed, to communicate with Mr. Simpson unless he notifies the Court
otherwise.

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Upon receipt of this order, the Richardson law firm shall serve a copy of this order on Mr. Simpson and shall file a proof of service with this Court.

This order disposes of Docket No. 90.

IT IS SO ORDERED.

Dated: May 29, 2009



EDWARD M. CHEN
United States Magistrate Judge