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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EARLE G. ANTE,

Plaintiff,

No. C 09-00752 WHA

v.

OFFICE DEPOT BUSINESS SERVICES,
a Corporation, BLACK CORPORATION,
WHITE CORPORATION, and DOES 1-100,

Defendants.

**ORDER RE MOTION TO
WITHDRAW AS PLAINTIFF'S
COUNSEL BY JOHN B.
MCMORROW**

Attorney John B. McMorrow has noticed a hearing on a motion to withdraw as plaintiff's counsel in this action for December 17, 2009. Attorney McMorrow has filed a declaration stating that plaintiff Ante intends to terminate Attorney McMorrow as his attorney and execute a substitution of attorney but has not yet done so (McMorrow Decl. ¶ 4). Attorney McMorrow further declares that there has been "a complete breakdown of the Attorney-Client relationship between myself and Mr. Ante" (*ibid.*).

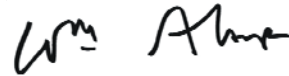
Defendant Office Depot has filed a response to Attorney McMorrow's motion noting that the non-expert discovery cut-off date in this action is January 28, 2010. Defendant Office Depot requests that the Court resolve Attorney McMorrow's motion on an expedited basis so that discovery may be completed on schedule. It states that despite numerous attempts the parties have been unable to coordinate the depositions of plaintiff and two witnesses, Sharon Thygesen and Lynn Blankenship. Attorney McMorrow states that he has been unable to schedule these depositions because his client will not communicate with him (McMorrow

1 Reply at 1–2). He does not object to having his motion to withdraw heard on an expedited
2 basis.

3 For good cause shown, Attorney McMorrow’s motion to withdraw will be heard on an
4 expedited basis on **TUESDAY, NOVEMBER 24, 2009, AT 11 A.M.** Pursuant to Local Rule 11-5,
5 Attorney McMorrow continues to represent plaintiff in this action unless and until relieved by
6 an order of the Court. Plaintiff Ante is ordered to appear at the hearing and **SHOW CAUSE** why
7 the Court should not order that the three depositions proceed on the dates sought by defendant
8 Office Depot.

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10 **IT IS SO ORDERED.**

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12 Dated: November 17, 2009.



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14 WILLIAM ALSUP
15 UNITED STATES DISTRICT JUDGE
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