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

INNOSPAN CORP.,

Plaintiff,

No. C 10-04422 WHA

v.

INTUIT, INC., MINT SOFTWARE, INC.,
SHASTA VENTURES GP, LLP, and
DOES 1-20,

**ORDER REGARDING
ATTORNEY SONG'S NOTICE
OF SUBSTITUTION**

Defendants.

In this trademark infringement action, Attorney Song, counsel for cross-defendant Hong-Seok Kim (CEO of plaintiff Innospan Corp.) has filed a notice of substitution of counsel (Dkt. No. 311). Attorney Song is attempting to withdraw as counsel and substitute Mr. Kim as a *pro se* party. Attorney Song has not filed a motion to withdraw.

In the course of litigating this action, plaintiff has been ordered to pay sanctions of \$272,604.10 for tampering with documents and providing false statements (Dkt. Nos. 181, 189). Plaintiff has paid only \$1,134 (Dkt. No. 305). On April 4, an order issued dismissing plaintiff's claims and granting default judgment and declaratory relief against plaintiff (Dkt. No. 306). Counsel for defendants filed a bill of costs for \$112,543.01 on April 18 (Dkt. No. 308). Mr. Kim, proceeding *pro se*, filed an opposition to the bill of costs on April 23, the same day Attorney Song filed the notice of substitution of counsel.


In a civil case, counsel may not withdraw from an action until relieved by order of the court. CIV. L.R. 11-5(a). A lawyer may withdraw from representing a client where, among other

1 things, (1) the client breaches an agreement with or obligation to the lawyer as to expenses
2 or fees, or (2) other conduct renders it unreasonably difficult for the lawyer to carry out the
3 employment effectively. CAL. PROF. CONDUCT 3-700(C)(1)(d), (f). Permission to withdraw
4 as counsel is given at the discretion of the court. *United States v. Carter*, 560 F.3d 1107,
5 1113 (9th Cir. 2009).

6 Counsel may not withdraw from this action until an order has issued granting leave
7 to withdraw. Counsel must prepare a motion to withdraw, notice a hearing, serve it upon his
8 client, and file it on ECF so that all parties have notice. CIV. L.R. 11-5(b).

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10 **IT IS SO ORDERED.**

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12 Dated: April 27, 2012.

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15 WILLIAM ALSUP
16 UNITED STATES DISTRICT JUDGE
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