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

JAMES R. JOHNSON, *et al.*,

No. C 11-00092 WHA

Plaintiffs,

v.

**ORDER GRANTING PLAINTIFFS'
COUNSEL'S MOTION TO WITHDRAW
SUBJECT TO STATED CONDITIONS**

STEVEN L. MYERS, *et al.*,

Defendants.

Plaintiffs are represented in this action by the firm Ropers, Majeski, Kohn, & Bentley ("RMKB"). RMKB filed a motion seeking leave to withdraw as counsel due to the fact that plaintiffs have failed to pay attorney's fees in an amount that was not disclosed in the motion (Dkt. No. 51). Defendants filed an opposition conditionally opposing the withdrawal of plaintiffs' counsel prior to the Court's issuance of an order on a pending motion (Dkt. No. 59). An order issued on March 9, 2012, requesting the presence of plaintiffs at the hearing on the motion to withdraw set for today, March 15.

Plaintiff James Johnson was the only plaintiff to appear at the hearing. He represented to the Court that he and the other plaintiffs are "okay with letting their lawyers out" of this case and have already begun seeking new counsel to represent them in this action. Based on this representation, the firm of RMKB will be permitted to withdraw as counsel, but only after the Court issues its order ruling on the pending motion for leave to file an amended complaint. Until that time, plaintiffs' counsel must continue to perform, in full, their duties as counsel to plaintiffs.

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After an order issues resolving the motion for leave to file an amended complaint, plaintiffs will have 35 calendar days in which to retain new counsel. If new counsel is not retained within 35 calendar days after the issuance of said order, this case will be dismissed with prejudice, as plaintiffs will not be allowed to proceed *pro se* in this derivative action.

IT IS SO ORDERED.



Dated: March 15, 2012.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE