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

CERTAIN UNDERWRITERS AT
LLOYDS LONDON,

No. C 11-00724 WHA

Plaintiff,

v.

CALIFORNIA MORTGAGE AND
REALTY, INC., and DAVID CHOO,

**ORDER REGARDING DEFENSE
COUNSEL’S MOTION TO
WITHDRAW AS COUNSEL AND
GRANTING MOTION TO
ENLARGE TIME**

Defendants.

_____ /

Counsel for defendants California Mortgage and Realty, Inc., and David Choo have filed a motion to withdraw as counsel, which would leave no defense counsel behind. The motion claims defendants agree to the withdrawal, because they are unable to pay defense counsel’s fees. Yet, the declaration filed in support of the motion to withdraw only states: “[Counsel] sent an email confirmation . . . of this understanding. Mr. Choo did not respond that his understanding was to the contrary”; and “To date, Mr. Choo has not withdrawn his consent to allow Orrick to withdraw as counsel of record in this matter nor has he indicated any problems with Orrick’s withdrawal” (DeNatale Decl.). This is not the same as a sworn record of defendants’ non-opposition to counsel’s motion.

This order sets a hearing on counsel’s motion to withdraw for **THURSDAY, MAY 19, 2011, AT 2:00 P.M.** Counsel for both sides, as well as defendant David Choo and a representative for defendant California Mortgage and Realty, Inc., must attend. Defense counsel shall notify their


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clients immediately of this requirement. Plaintiff's counsel or defendants (as individuals) may file a statement in response to the motion to withdraw at any time prior to the hearing.

Defense counsel also move to continue the dates of the initial case management conference and the hearing on plaintiff's motion for judgment on the pleadings so that the issue of counsel's withdrawal can be resolved first. That motion is **GRANTED**, and the case management conference and motion hearing are both continued to **JUNE 23, 2011, AT 2:00 P.M.**

IT IS SO ORDERED.

Dated: May 6, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE