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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE ESTATE OF KENNETH HARDING
JR., et al.,

Plaintiffs,

v.

THE CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

Case No. [12-cv-03978-WHO](#)

**ORDER GRANTING MOTION TO
WITHDRAW AND ORDERING
RETURN OF DOCUMENTS**

Re: Dkt. Nos. 42, 44

On November 19, 2013, John C. Carpenter and his firm, Carpenter, Zuckerman & Rowley, LLP, (collectively, “Carpenter”) counsel for plaintiffs, filed a motion to withdraw as counsel for plaintiffs. On December 18, 2013, the Court heard argument from counsel. The plaintiffs, through Ms. Denika Chatman, consented to the withdrawal. Pursuant to Civil Local Rule 11-5(b), the Court GRANTS Carpenter conditional withdrawal from the case. Any papers relevant to this case shall continue to be served on Carpenter, who shall continue to forward them to plaintiffs until plaintiffs appear by other counsel since neither an estate nor its representative may appear pro se. *See Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008). Once new counsel has appeared, Carpenter will no longer be counsel for plaintiffs.

When the motion to withdraw was filed, counsel for the defendants informed the Court that Carpenter takes the position that the protective order entered in this case (Dkt. No. 35) is no longer in effect because the defendants filed no motion concerning whether any disputed documents are protected by the protective order. Dkt. No. 44 Ex. A. At the motion hearing, Carpenter represented to the Court that it agrees that the protective order still applies. Neither Carpenter nor Ms. Chatman objected to returning to the defendants the materials covered by the protective order.

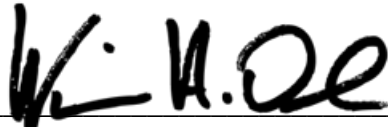
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Accordingly, the Court ORDERS the plaintiffs and Carpenter to return to the defendants all materials covered by the protective order, including any copies of such materials, by December 23, 2013. The Court ORDERS that the defendants maintain such materials as produced by the plaintiffs and Carpenter until new counsel for plaintiffs files an appearance in this case, at which time such materials shall be delivered to new counsel.

A further Case Management Conference is set for February 11, 2014 at 2 p.m. in Courtroom 2, by which time plaintiff should have new counsel. Discovery is stayed until that date.

IT IS SO ORDERED.

Dated: December 19, 2013



WILLIAM H. ORRICK
United States District Judge