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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TRACY HOBBS AND RODNEY HOBBS,

No. C 12-4060 RS

Plaintiffs,

v.

WELLS FARGO BANK N.A., et al.,

Defendants.

**ORDER GRANTING MOTION TO  
WITHDRAW AND ORDERING  
PLAINTIFFS TO SHOW CAUSE**

The Consumer Litigation Law Center (CLLC), counsel for plaintiffs Tracy and Rodney Hobbs, moves to withdraw as counsel in this matter due to plaintiffs' alleged failure to pay attorney fees. No opposition to this motion has been received. Pursuant to Civil Local Rule 7-1(b), the motion is suitable for disposition without oral argument, and the hearing set for August 21, 2014 is vacated. For the reasons explained below, the motion is granted. **Additionally, plaintiffs are ordered to show cause by October 9, 2014, why this case should not be dismissed.**

Under Civil Local Rule 11-5(a), "[c]ounsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case." The local rules further provide that if the client does not consent to the withdrawal and no substitution of counsel is filed, the motion to withdraw shall be granted on the condition that all papers from the court and from the opposing party shall continue to

1 be served on that party's current counsel for forwarding purposes until the client appears by other  
2 counsel or pro se. Civ. L.R. 11-5(b).

3 Withdrawal is governed by the California Rules of Professional Conduct. *See Nehad v.*  
4 *Mukasey*, 535 F.3d 962, 970 (9th Cir. 2008). Rule 3-700(c) of the California Rules of Professional  
5 Conduct sets forth several grounds under which an attorney may request permission to withdraw,  
6 including if the client breaches an agreement or obligation to its counsel as to expenses or fees.  
7 R. 3-700(C)(1)(f). The court has discretion to deny a motion to withdraw "where such withdrawal  
8 would work an injustice or cause undue delay in the proceeding." *Gong v. City of Alameda*, No. 03-  
9 05495 TEH, 2008 WL 160964, at \*1 (N.D. Cal. Jan. 8, 2008) (citing *Mandel v. Superior Court*, 67  
10 Cal. App. 3d 1, 4 (1977)) (holding there was no prejudice or undue delay to client where counsel  
11 provided sufficient notice of its intent to withdraw and where no trial date had yet been set in the  
12 case).

13 As explained in a declaration submitted in support of CLLC's motion, plaintiffs Tracy and  
14 Rodney Hobbs have been delinquent on their attorney fees since January 2014. In addition,  
15 counsel's declaration represents that plaintiffs stopped cooperating with CLLC in the prosecution of  
16 this matter. Beginning in March 2014, plaintiffs failed to return several phone calls from counsel  
17 regarding pending court dates and negotiations with opposing counsel. In June 2014, plaintiffs  
18 failed to respond to numerous voicemails, emails, and letters informing them that opposing counsel  
19 had requested certain documents. CLLC notified plaintiffs of its intent to file this motion on June  
20 20, 2014. The firm has heard nothing from plaintiffs since then.

21 Good cause appearing, the motion to withdraw is granted, subject to the condition that  
22 CLLC shall continue to accept service of papers on behalf of Tracy and Rodney Hobbs for  
23 forwarding purposes until they appear by other counsel or pro se. Counsel is further instructed to  
24 notify plaintiffs of their obligation to prosecute this matter.

25 Plaintiffs Tracy and Rodney Hobbs are hereby ordered to show cause why this action should  
26 not be dismissed. Based on counsel's declaration, it appears plaintiffs may have abandoned their  
27 intent to prosecute this lawsuit. **If plaintiffs still wish to pursue this action, they must notify the**  
28 **court of their intent to do so. Accordingly, plaintiffs shall appear in Courtroom 3 of 450**

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**Golden Gate Avenue, San Francisco, California, on Thursday, October 9, at 1:30 p.m. and show cause why this action should not be dismissed for failure to prosecute.** If plaintiffs fail to appear, this case will be dismissed without further notice.

IT IS SO ORDERED.

Dated: 8/4/14

  
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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE