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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONG-NGOC T. DAO,
Plaintiff,
v.
LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON,
Defendant.

Case No. [14-cv-04749-SI](#)

**ORDER VACATING ORDER
GRANTING MOTION TO
WITHDRAW; SETTING HEARING ON
MOTION TO WITHDRAW AND
MOTION TO STAY FOR OCTOBER 9,
2015 AT 10:00 AM; VACATING
HEARING ON PLAINTIFF'S MOTION
FOR RECONSIDERATION SET FOR
OCTOBER 9, 2015 AT 9:00 AM**

On September 30, 2015, plaintiff filed a "Notice of Motion and Administrative Motion To Withdraw as Co-Counsel of Record for Plaintiff Pursuant to Stipulation; Plaintiff's Written Consent to Withdrawal; [Proposed] Order." Dkt. 75. The motion, seeking the withdrawal of the law firm of Peterson, Martin & Reynolds as co-counsel to plaintiff, stated that "[g]ranteeing the Motion for Administrative Relief permitting withdrawal from the case will not cause any delay in prosecuting this case as Plaintiff will be left in the capable hands of co-counsel, Kevin G. Gill of the law firm of K GILL LAW." Dkt. 75-1 at 1. The Court incorrectly believed the motion to be unopposed and granted it.

On October 2, 2015, plaintiff filed an administrative motion to stay proceedings 120 days in order to allow plaintiff to find a new lawyer because Mr. Gill can no longer represent plaintiff. On October 5, 2015, defendant filed a Response to Plaintiff's Motion to Stay and Opposing Counsel's Motion to Withdraw as Counsel.

The Court's Order Granting the Motion to Withdraw was filed in error, and the Court hereby VACATES that order. Dkt. 78. The law firm of Peterson, Martin & Reynolds remain as

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plaintiff's counsel until further order of the Court. **The Court shall hold a hearing on October 9, 2015 at 10:00 am on the motion to withdraw and the motion to stay. Mr. Gill, an attorney from Peterson, Martin & Reynolds, and defense counsel shall all appear at the hearing.** Plaintiff's motion for reconsideration of the dismissal of the breach of contract claim is deemed submitted pursuant to Civil Local Rule 7-1(b), and accordingly the Court VACATES the hearing on that motion scheduled for 9:00 am on October 9, 2015.

IT IS SO ORDERED.

Dated: October 7, 2015



SUSAN ILLSTON
United States District Judge