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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT E. RENZEL TRUST, et al.,

Plaintiffs,

v.

ALFREDO TORRES, et al.,

Defendants.

Case No. [15-cv-01648-HSG](#)**ORDER GRANTING MOTION TO  
WITHDRAW**

Re: Dkt. No. 152

Thu Nguyen (“Client Nguyen”) and Ngoc T.B. Tran (“Client Tran”) are defendants, counterclaimants, cross-complainants, and cross-defendants in this action. Dkt. No. 152. They have been represented by attorneys Ann A. Nguyen (“Attorney Nguyen”) and Joshua J. Borgor (“Attorney Borgor”) of the law firm Robinson & Wood, Inc. (“Firm”). *Id.* On December 6, 2016, Attorney Borgor gave written notice to all parties, including Clients Nguyen and Tran, of the Firm’s intention to withdraw as counsel. *Id.* at 3. On December 7, 2016, the Firm filed the motion to withdraw, including Attorney Borgor’s declaration. *Id.* Attorney Borgor subsequently ceased working for the Firm. *See* Dkt. No. 158 at 1. On February 16, 2017, the Court held a hearing on the motion. Clients Nguyen and Tran failed to appear as ordered by the Court, *see* Dkt. Nos. 153, 159, but Attorney Nguyen appeared by phone. Attorney Nguyen has represented to the Court both in writing, *see* Dkt. No. 158, and during the hearing, that Clients Nguyen and Tran do not oppose the motion to withdraw. Based upon the applicable legal authority, Attorney Borgor’s declaration, and Attorney Nguyen’s statements during the hearing, the Court **GRANTS** the motion to withdraw.

**I. LEGAL STANDARD**

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

1 other parties who have appeared in the case.” Withdrawal is governed by the California Rules of  
2 Professional Conduct. *See j2 Glob. Commc’ns, Inc. v. Blue Jay, Inc.*, No. C 08-4254PJH, 2009  
3 WL 464768, at \*1 (N.D. Cal. Feb. 24, 2009)). Under these rules, an attorney may only request  
4 permission to withdraw on a limited number of grounds, of which two are relevant here. *See CA*  
5 *ST RPC Rule 3-700(C)*. First, a request for withdrawal is permitted where “[t]he client knowingly  
6 and freely assents to termination of employment.” *Id.*, Rule 3-700(C)(5). In addition, a request  
7 for withdrawal is permitted where the attorney “believes in good faith . . . that the tribunal will  
8 find the existence of other good cause for withdrawal.” *Id.*, Rule 3-700(C)(6). The decision to  
9 grant or deny a motion to withdraw is within the Court’s discretion. *Gong v. City of Alameda*, No.  
10 C 03–05495 TEH, 2008 WL 160964, at \*1 (N.D. Cal. Jan. 8, 2008).

11 **II. DISCUSSION**


12 Local Civil Rule 11-5(a) was satisfied because all parties, including Clients Nguyen and  
13 Tran, received reasonable advance notice of the Firm’s intention to withdraw. *See Dkt. No. 152*.  
14 The filing of the motion was also permitted by the California Rules of Professional Conduct.  
15 Attorney Nguyen’s statements in writing, *see Dkt. No. 157*, and during the hearing, establish that  
16 Clients Nguyen and Tran have “knowingly and freely assent[ed]” to the termination of  
17 employment. *See CA RPC Rule 3-700(C)(5)*. Moreover, Attorney Nguyen’s representations  
18 during the proceeding demonstrated that the motion was filed with a good faith belief in the  
19 existence of good cause for withdrawal. *See id.*, Rule 3-700(C)(6). Accordingly, the Court finds  
20 in its discretion that the Firm’s withdrawal is warranted. *See Gong*, 2008 WL 160964, at \*1.

21 **III. CONCLUSION**

22 The Court **GRANTS** the motion to withdraw. The Court **ORDERS** Attorney Nguyen to  
23 comply with all legal and professional obligations relating to the termination of the Firm’s  
24 employment, including California Rule of Professional Conduct 3-700(D).

25 **IT IS SO ORDERED.**

26 Dated: 2/17/2017

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28 HAYWOOD S. GILLIAM, JR.  
United States District Judge