

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KIM E. TOLBERT,
Plaintiff,

v.

CITY & COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH, et
al.,
Defendants.

Case No. [16-cv-00810-JD](#)

**ORDER PERMITTING CONDITIONAL
WITHDRAWAL OF COUNSEL**

Re: Dkt. No. 32

Plaintiff Kim Tolbert filed this employment discrimination lawsuit as a pro se litigant on February 18, 2016. Dkt. No. 1. Attorneys from The Scott Law firm (“Counsel”) appeared on her behalf shortly thereafter. *See* Dkt. No. 15. The Court denied Counsel’s first motion to withdraw based on their failure to demonstrate compliance with applicable California rules and the Court’s Local Rules. Dkt. Nos. 25, 28. Counsel filed a revised motion to withdraw on June 7, 2016. Dkt. No. 32. Tolbert filed two statements of opposition to the first motion for withdrawal, but these were not received by the Court or entered in the docket until after the first motion was denied. Dkt. Nos. 29, 30. She did not file any response to Counsel’s second motion to withdraw by the response deadline of June 21, 2016. Defendants’ view is irrelevant for obvious reasons but in any event they raise no issue about the withdrawal. Dkt. No. 35. The Court finds the motion suitable for resolution without oral argument pursuant to Civil Local Rule 7-1(b) and conditionally grants permission for Counsel to withdraw.

In response to the Court’s concerns, the revised motion now adequately describes the notice of withdrawal given to Tolbert under Civil Local Rule 11-5(a) and California Rule of Professional Conduct 3-700. Dkt. Nos. 32-1 and 32-2. Counsel also stated good cause for seeking to withdraw.

1 While the Court is sympathetic to Tolbert's concerns about returning to pro se status, none
2 of her objections warrant denial of withdrawal. Tolbert's objection that she did not get adequate
3 notice of the withdrawal is not well taken in light of the uncontested facts represented by Counsel.
4 The Court finds no "misrepresent[ation]" or "innuendo" in Counsel's statements that will
5 undermine Tolbert or her case in the Court's eyes. *See* Dkt. No. 29 ¶¶ 3, 5. The Court finds no
6 prejudice. Counsel sought and obtained extensions for Tolbert on all currently pending case
7 deadlines while moving to withdraw. Dkt. No. 28. The amended complaint in this matter is not
8 due until July 13, 2016. And Tolbert may petition the Court for one further extension of time if
9 necessary.

10 Consequently, the Court grants Counsel's motion to withdraw subject to the conditions of
11 Civil Local Rule 11-5(b). Counsel will notify plaintiff of their continuing obligations under the
12 rule and will help plaintiff with filing court and ECF documents, if she requests that help, until
13 replacement counsel appear or Tolbert agrees to proceed pro se. The Court directs Tolbert to
14 notify the Court by July 13, 2016 whether she has retained replacement counsel or intends to
15 proceed pro se.

16 **IT IS SO ORDERED.**

17 Dated: June 27, 2016

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22 JAMES DONATO
23 United States District Judge
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