

1 DAVID M. HELBRAUN (SBN 129840)
HELBRAUN LAW FIRM
 2 351 California Street, Suite 900
 San Francisco, California 94104
 3 Telephone: (415) 982-4000
 Facsimile: (415) 352-0988

4 Attorneys for Plaintiff
 5 SPENCER SUTTON

6 UNITED STATES DISTRICT COURT
 7 NORTHERN DISTRICT OF CALIFORNIA

8
 9 SPENCER SUTTON,) No. CV 10-4563 SBA

10 Plaintiff,)

v.)

**ORDER DENYING PLAINTIFF'S
 COUNSEL'S MOTION TO WITHDRAW
 WITHOUT PREJUDICE AND SEALING
 RECORD OF HEARING**

11 CITY AND COUNTY OF SAN)
 FRANCISCO, POLICE OFFICER)
 12 CHRISTOPHER M. MORRIS, in his)
 individual and official capacities, POLICE)
 13 OFFICER CRAIG L. LEONG, in his)
 individual and official capacities, POLICE)
 14 OFFICER STEVEN D. FERRAZ, in his)
 individual and official capacities, and)
 15 DOES 1-25, Jointly and Severally,)

16 Defendants.)
 17)

18 A hearing on the Motion to Withdraw as Plaintiff's Counsel filed by David M. Helbraun
 19 on July 27, 2011, came on regularly for hearing at 1:00 p.m. on October 18, 2011 in Courtroom 1,
 20 4th Floor, of the above-entitled Court, the Honorable U.S. District Court Judge Sandra Brown
 21 Armstrong presiding. A Statement of Non-Opposition was filed on behalf of defendants.
 22 Plaintiff Spencer Sutton submitted a later dated October 10, 2011 in opposition to the motion.

23 David M. Helbraun, Esq. appeared on behalf of himself, the moving party. Michael
 24 Gerchow, Esq. of the San Francisco City Attorney's Office appeared briefly at the
 25 commencement of the hearing on behalf of the defendants, and then exited the hearing at the
 26 Court's request, to permit plaintiff and his counsel to discuss with the Court attorney-client
 27 privileged matters pertinent to the motion. Mr. Sutton appeared by telephone. Mr. Sutton
 28 consented to discuss attorney-client privileged communications for the limited purpose of

1 addressing issues raised by this Motion, and the Court indicated that the transcript of the hearing
2 would be sealed based upon attorney-client confidentiality.

3 THE COURT, having read the parties' written statements, and having heard moving
4 party's argument and the response of Plaintiff Spencer Sutton, and having considered and
5 weighed the facts and issues presented,

6 IT IS HEREBY ORDERED that the Motion to Withdraw is denied without prejudice to
7 renewal if plaintiff fails to cooperate and communicate with his attorney for reasons within his
8 control; and

9 IT IS HEREBY FURTHER ORDERED that the transcript of the record of the hearing on
10 this motion is sealed and may not be obtained by anyone other than plaintiff and his counsel.

11 IT IS SO ORDERED.

12 Dated: October 21, 2011



HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28