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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 KABITA CHOUDHURI,

6 Plaintiff,

7 vs.

8 WELLS FARGO BANK, N.A., CIT GROUP,
9 INC.; FIRST AMERICAN LOAN STAR;
10 DEUTSCHE BANK USA; TODD S. BELL
AND MEG DEGROOTE,

11 Defendants.

Case No: C 11-00518 SBA

**ORDER DENYING MOTION TO
WITHDRAW AS COUNSEL OF
RECORD**

Docket 32

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13 On February 23, 2011, the law firm of Severson & Werson (“Severson”) filed a
14 motion to dismiss on behalf of Defendants Wells Fargo Bank, N.A, Deutsche Bank USA,
15 Todd S. Bell and Meg DeGroot. Dkt. 4. On May 20, 2011, Severson filed motion seeking
16 to withdraw as counsel for Mr. Bell and Ms. DeGroot. Dkt. 32. Severson claims that it
17 does not represent either of these defendants and that the appearance on their behalf was
18 inadvertently made. The motion is not noticed for hearing, there is no declaration
19 accompanying the motion to support the factual assertions made therein and there is no
20 indication that Severson served Mr. Bell and Ms. DeGroot with a copy of the motion.


21 The Court’s Civil Local Rules authorize an attorney to withdraw as counsel of
22 record so long as he or she (1) provides written notice to the client and all other parties in
23 the action and (2) obtains leave of court. Civ. L.R. 11-5(a); see Darby v. City of Torrance,
24 810 F. Supp. 275, 276 (C.D. Cal. 1992). Permission to withdraw is discretionary. See
25 Washington v. Sherwin Real Estate, 694 F.2d 1081, 1087 (7th Cir. 1982). Here, there is no
26 indication in the record that Severson provided notice of the instant motion to Mr. Bell and
27 Ms. DeGroot. To the contrary, the Certificate of Service accompanying the motion
28 indicates the they were not served with the motion. Dkt. 33. In addition, Severson has

1 failed to file a declaration in support of its motion, as required by Civil Local Rule 7-5.
2 Accordingly,

3 IT IS HEREBY ORDERED THAT Severson's motion to withdraw as counsel of
4 record for Mr. Bell and Ms. DeGroote is DENIED without prejudice. This Order
5 terminates Docket 32.

6 IT IS SO ORDERED.

7 Dated: May 24, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CHOUDHURI et al,
Plaintiff,

v.

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

_____ /

Case Number: CV11-00518 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kabita Choudhuri
331 Richardson Way
Mill Valley, CA 94941

Dated: May 25, 2011

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk