

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 **JOHN EDWARD ROBINSON, ET AL.,**

4 Plaintiffs,

5 v.

6 **WELLS FARGO HOME MORTGAGE, ET AL.,**

7 Defendants.

Case No. 16-cv-01619-YGR

**ORDER GRANTING IN PART AND DENYING
IN PART ADMINISTRATIVE MOTION;
SETTING HEARING REGARDING REQUEST
TO WITHDRAW**

Re: Dkt. No. 42

9
10 On November 3, 2016, the Court granted defendants' motion to dismiss plaintiff's
11 complaint, granting leave to file an amended complaint by November 24, 2016. (Dkt. No. 38.)
12 On November 22, 2016, plaintiffs filed an administrative motion seeking an extension of time to
13 file an amended complaint, citing as a reason a "breakdown of communications" between
14 plaintiffs and counsel. (Dkt. No. 40.) The Court granted such motion and set December 16, 2016
15 as the new deadline for the filing of an amended complaint. (Dkt. No. 41.)

16
17 On December 10, 2016, plaintiffs filed another administrative motion seeking three more
18 weeks to file an amended complaint, again citing a break in communication. (Dkt. No. 42.)
19 Additionally, plaintiffs' counsel in the same motion requested leave to be relieved as counsel, and
20 has represented that plaintiffs would object to her withdrawal as such. (*Id.*) Defendants oppose
21 granting an extension of time to file an amended complaint. (Dkt. No. 44.) Having carefully
22 considered the papers submitted and for good cause appearing, the Court **ORDERS** as follows:

23 The Court **DENIES** plaintiffs' counsel's request to withdraw. Counsel must file a proper
24 motion to withdraw her representation by **Tuesday, December 20, 2016**, including a declaration
25 indicating that she has: (1) spoken directly with plaintiffs about their case generally, answering
26 their questions regarding the status of the proceedings; (2) discussed the delivery of any legal files
27 to plaintiffs and other consequences of counsel's withdrawal in this matter; and (3) informed
28

1 plaintiffs of the deadlines set forth herein, as well as the date, time, and location of the hearing on
2 counsel's motion to withdraw set forth below. Additionally, counsel must provide the Court with
3 plaintiffs' current address and contact information. Counsel shall also submit proof of service of a
4 notice to plaintiffs stating the effects of a withdrawal of counsel:

5 **NOTICE TO CLIENT WHO WILL BE UNREPRESENTED**

6 You will not have an attorney representing you. You may wish to seek
7 legal assistance. If you do not have a new attorney to represent you in this action
8 or proceeding, and you are legally permitted to do so, you will be representing
9 yourself. It will be your responsibility to comply with all court rules and
applicable laws. **If you fail to do so, or fail to appear at hearings, action may
be taken against you. You may lose your case.**

10 If you do not keep the Court and other parties informed of your current
11 address and telephone number, they will not be able to send you notices of actions
12 that may affect you, including actions that **may adversely affect your interests
or result in your losing your case.**

13 Any opposition to counsel's motion to withdraw must be filed no later than **January 3,**
14 **2017.** A hearing on this motion will be set for **Tuesday, January 10, 2017 at 2:00 p.m.,** in the
15 Federal Building, 1301 Clay Street, Oakland, California, Courtroom 1. If the motion is opposed,
16 plaintiffs and counsel must appear personally.

17 The amended complaint shall also be filed no later than **January 3, 2017.**

18 This terminates Docket Number 42.

19 **IT IS SO ORDERED.**

20 Dated: December 15, 2016

21 

22 **YVONNE GONZALEZ ROGERS**
23 **UNITED STATES DISTRICT COURT JUDGE**