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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 AMIR ALAVI, et al.,  
8 Plaintiffs,

9 v.

10 CITY OF ALBANY, et al.,  
11 Defendants.

Case No.17-cv-04014-HSG

**ORDER DENYING MOTION TO  
WITHDRAW AS PLAINTIFFS'  
COUNSEL**

Re: Dkt. No. 33

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13 Pending before the Court is an unopposed motion to withdraw as counsel by Brian K.  
14 Ross, attorney for Plaintiffs Amir Alavi and Mehdi Alavi. Dkt. No. 33 (“Mot.”). For the reasons  
15 set forth below, the motion is **DENIED**.

16 Mr. Ross filed this motion on March 25, 2018. He sought to withdraw as Plaintiffs’  
17 counsel because of a “serious conflict,” which he contended required him to “seek either the  
18 voluntary termination of his representation of [Plaintiffs’] interests in this matter or that he seek  
19 the court’s permission to so terminate his representation.” See Mot. at 2; see also Dkt. No. 35  
20 (Declaration of Brian K. Ross, or “Ross Decl.”) ¶ 2; see also id. ¶ 3 (“[I]t is my belief that the  
21 situation is so dire that my request to withdraw is mandatory under our rules.”). Plaintiffs  
22 nevertheless “refuse[d] to voluntarily relinquish” Mr. Ross as their attorney of record. See Ross  
23 Decl. ¶ 2. Mr. Ross represented that he could, if necessary, provide more information about the  
24 conflict at the May 10, 2018 hearing on this motion, to the extent it was consistent with his duty to  
25 maintain his clients’ confidences. See Mot. at 2; Ross Decl. ¶ 3.

26 On May 9, 2018, however—one day before the hearing—Mr. Ross filed a motion to  
27 “continue or drop” his motion to withdraw, “on the grounds that the parties have met and have  
28 apparently resolved their differences with regard to the prosecution of this matter.” Dkt. No. 45 at


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1-2. It is unclear why Mr. Ross did not simply withdraw his motion. It is also unclear whether Mr. Ross was referring to the resolution of the underlying dispute between Plaintiffs and Defendants or his own dispute with Plaintiffs. In any event, the Court denied the motion, see Dkt. No. 47, so that the parties could provide further clarification regarding the status of the case. But neither Mr. Ross nor counsel for Defendants appeared at the hearing. Plaintiffs, who the Court had ordered to appear at the hearing in person, see Dkt. No. 44, also failed to appear.

Accordingly, based on Mr. Ross' apparent representation that the underlying dispute has been resolved, his motion to withdraw is **DENIED**. An order to show cause for the failure to appear will issue separately.

**IT IS SO ORDERED.**

Dated: 5/10/2018

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge