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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Jeremy James Ehart, et al.,

NO. C 06-06507 JW

Plaintiffs,

**ORDER GRANTING COUNSEL'S
MOTION TO WITHDRAW**

v.

Ghillie Suits.Com, Inc. et al.,

Defendants.

Presently before the Court is Sharon C. Collier and the law firm of Archer Norris' ("Archer Norris"), counsel for Defendant and Cross-Complainant New York Fire-Shield, Inc. ("New York"), Motion to Withdraw as Counsel of Record. (See Docket Item No. 127.) Archer Norris seeks permission to withdraw as counsel on the ground that New York has refused to pay attorneys fees and costs incurred by Archer Norris.

In a civil case, counsel may not withdraw from an action until relieved by order of the Court. See Civ. L. R. 11-5. Rule 3-700(C) of the California Rules of Professional Conduct provides that a lawyer may withdraw from representing a client where, among other things, (1) the client breaches an agreement with or obligation to the lawyer as to expenses or fees, or (2) other conduct renders it unreasonably difficult for the lawyer to carry out the employment effectively. Rule 3-700(C)(1)(d), (f). This is because the attorney-client relationship in civil cases is usually an economic relationship.

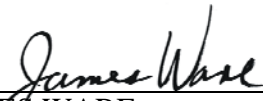
Here, Archer Norris presents the declaration of Sharon C. Collier, which details the basis for the present Motion. (Declaration of Sharon C. Collier in Support of Motion for Leave to Withdraw

1 as Counsel of Record for Defendant/Cross-Complainant New York Fire-Shield Inc., hereafter,
2 “Collier Decl.,” Docket Item No. 129.) According to Collier, New York has refused to pay
3 attorneys fees and expenses incurred by the firm, and has refused to authorize activities that would
4 necessitate incurring third-party costs. (Collier Decl. ¶¶ 2-3.) Collier informed New York on
5 January 14, 2009 that this Motion would be brought if payment of fees and expenses was not
6 received. (Id. ¶ 4.) New York has not consented to Archer Norris’ withdrawal, and Archer Norris
7 has warned New York of the consequences of its inability to proceed *pro se*. (Id. ¶¶ 6-7.) In light of
8 the circumstances presented by Archer Norris, the Court finds that sufficient grounds exists for
9 allowing Archer Norris’ withdrawal.

10 Accordingly, the Court GRANTS Archer Norris’ Motion to Withdraw as Counsel of Record.
11 The Court stays all currently scheduled filing deadlines in the case for thirty (30) days to give New
12 York Fire-Shield Inc. sufficient time to find substitute counsel. Ms. Collier shall remain as counsel
13 of record for thirty (30) days for the purposes of receiving and providing legal documents until there
14 is identification of substitute counsel. On or before **June 15, 2009**, Defendant shall file a Notice of
15 Identification of Substitute Counsel. Failure to do so may result in sanctions.

16 Counsel shall send a copy of this Order to Defendant and file the necessary certificate of
17 service. The stay on all deadlines will be lifted on June 15, 2009.

18
19 Dated: May 15, 2009



JAMES WARE
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Craig Evan Needham cneedham@ndkylaw.com
- 3 Daniel JT Sciano dsciano@tsslawyers.com
- 4 Danielle Kono Lewis dlewis@selmanbreitman.com
- 5 David Mitchell Lester d.lester@mpglaw.com
- 6 Kirsten M. Fish kfish@ndkylaw.com
- 7 Lori Beth Feldman lbfeldmanlaw@aol.com
- 8 Michael Lloyd Smith mls@mmker.com
- 9 Paul Edmond Stephan pstephan@selmanbreitman.com
- 10 Sharon Cohen Collier scollier@archernorris.com

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Dated: May 15, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy