

1 Ethan Preston (*pro hac vice*)
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 3 Chicago, IL 60622
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8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

10 JENNA GODDARD, an individual, on her own
 11 behalf and on behalf of all others similarly
 12 situated,
 Plaintiff
 13 v.
 14 GOOGLE, INC., a Delaware corporation,
 15 Defendant.

No. 08-02738 (JF)

Judge Jeremy Fogel

**NOTICE OF MOTION; MOTION
 TO WITHDRAW AS ATTORNEY;
 NOTICE OF LODGING
 PROPOSED ORDER GRANTING
 MOTION TO WITHDRAW**

16 **NOTICE OF MOTION**

17 NOTICE IS HEREBY GIVEN that Movant Ethan Preston will move the Court,
 18 pursuant to Local Rule 11-5, to withdraw as attorney in the above-captioned case on May 1,
 19 2009, at 9:00 a.m., or as soon thereafter as counsel may be heard by the above-entitled Court,
 20 located at 280 South 1st Street, San Jose, California 95113, in Courtroom 3, 5th Floor, before
 21 the Honorable Jeremy Fogel.

22 **MOTION TO WITHDRAW AS ATTORNEY**

23 Pursuant to Local Rule 11-5, Ethan Preston (“Movant”) hereby notifies the parties and
 24 the Court of his intent to withdraw as attorney of record for Plaintiff Jenna Goddard, and
 25 moves the Court to permit this withdrawal. Movant states the following grounds for this
 26 notice and motion:

- 27 1. Movant appeared *pro hac vice* in this matter by the Court’s order dated
 28 October 10, 2008.

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2 2. Movant represented Jenna Goddard as part of his employment at
3 KamberEdelson, LLC. Movant is no longer an employee of KamberEdelson, LLC.
4 KamberEdelson, LLC, continues to represent Plaintiff Joel Griffiths. Michael McMorrow and
5 Alan Himmelfarb have entered appearances in this action and are actively involved in this
6 matter. Ms. Goddard continues to receive notice of these proceedings (including this Motion)
7 through service on KamberEdelson, LLC.

8 3. Movant's withdrawal will not cause any prejudice or delay in this case. There
9 is no pending deadline for any party in this case. All parties have counsel active in their
10 representation, who will not require any additional time to review this case.

11 4. Movant conferenced with the Court's staff on March 17, 2009 and learned
12 that the Court would have accepted a notice of disassociation *in lieu* of the present Motion.
13 Movant filed a notice of disassociation on March 17, 2009. Despite this conference, Plaintiff's
14 remaining counsel have sought for Movant to file a formal motion to withdraw.

15 5. Given the insubstantial nature of this Motion and the burden for all parties of
16 traveling to the Court and attending a hearing on this Motion, Movant respectfully requests
17 that the Court waive oral argument on this Motion.

18 **THEREFORE**, Movant Ethan Preston respectfully requests the Court waive oral
19 argument on this motion, and moves the Court for leave to withdraw as an attorney in the
20 above-captioned matter, and for an order stating that Movant has so withdrawn as an attorney
21 in the above-captioned matter.

22 **NOTICE OF LODGING PROPOSED ORDER**

23 Pursuant to General Order No. 45(VIII), Movant lodged with the Court the order below
24 by emailing a Microsoft Word version of the order below to "JFpo@cand.uscourts.gov." See
25 U.S. District Court for the Northern District of California, How do I...? / Where do I...?, at
26 https://ecf.cand.uscourts.gov/cand/faq/how_do_i/how_do_i.htm (last updated Jun. 6, 2007).
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Dated: March 18, 2009

By: s/Ethan Preston

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**[PROPOSED] ORDER
GRANTING MOTION TO
WITHDRAW**

16 Ethan Preston's Motion to Withdraw came on for hearing before this Court, and all
17 parties being represented by counsel. The Court having reviewed the Motion, and after
18 consideration of all papers filed by the parties, and all other matters presented to the Court, the
19 Court finds that it should grant the Motion. IT IS HEREBY ORDERED THAT Movant Ethan
20 Preston's request for waiver of oral argument is GRANTED, the Motion for Leave to
21 Withdraw is GRANTED, and Movant is terminated as counsel in this proceeding by this
22 Order.

23 Dated:

24 _____
25 Hon. Jeremy Fogel
United States District Judge
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