

1 Ethan Preston (*pro hac vice*)
1738 West Wabansia
2 Chicago, IL 60622
(773) 817-0346
3 ep@eplaw.us

E-Filed 4/16/09

4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

10 JENNA GODDARD, an individual, on her own
11 behalf and on behalf of all others similarly
situated,

12 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.

Motion to Withdraw

No. 08-02738 (JF)

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

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

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

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

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19 above-captioned matter, and for an order stating that Movant has so withdrawn as an attorney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

21 **NOTICE OF LODGING PROPOSED ORDER**

22 Pursuant to General Order No. 45(VIII), Movant lodged with the Court the order below
23 by emailing a Microsoft Word version of the order below to "JFpo@cand.uscourts.gov." See
24 U.S. District Court for the Northern District of California, How do I...? / Where do I...?, at
25 https://ecf.cand.uscourts.gov/cand/faq/how_do_i/how_do_i.htm (last updated Jun. 6, 2007).
26
27
28

1 Dated: March 18, 2009

2 By: s/Ethan Preston

3 Ethan Preston
4 1738 West Wabansia
5 Chicago, IL 60622
6 (773) 817-0346
7 ep@eplaw.us

1 Ethan Preston (*pro hac vice*)
1738 West Wabansia
2 Chicago, IL 60622
(773) 817-0346
3 ep@eplaw.us
4
5
6
7

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
situated,

12 Plaintiff

13 v.

14 GOOGLE, INC., a Delaware corporation,

15 Defendant.

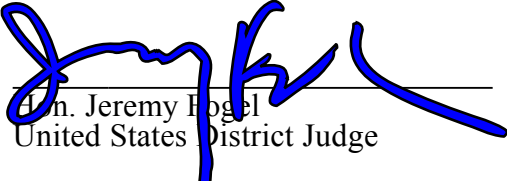
No. 08-02738 (JF)

Judge Jeremy Fogel

**[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: 4/16/09

24 
Hon. Jeremy Fogel
United States District Judge
25
26
27
28