



1 unreasonably difficult for the [lawyer] to carry out the employment effectively.” Cal. Rules of  
2 Prof’l Conduct 3-700(C)(1)(d).

3 Dresser states that there has been an “irreparable breakdown of relations” with plaintiffs.  
4 (Dresser Decl. ¶ 3.) First, he says that plaintiff Romelia McGraw disputes the scope of agreed-upon  
5 services, both past and future. Second, he asserts that Rudy McGraw disputes that Dresser even  
6 represents him at all and refuses to respond to communications by phone, mail, and e-mail. Third,  
7 Dresser represents that he warned plaintiffs several times that if they did not resolve conflicts  
8 between themselves, or agree to the terms and scope of his representation, he would have to  
9 withdraw. (*Id.* ¶¶ 5–10.)

10 Good cause appearing, Dresser’s motion to withdraw is GRANTED.<sup>1</sup> However, because  
11 there has been no simultaneous substitution of counsel nor any clear indication of an intent to  
12 proceed pro se, the withdrawal is subject to the condition that papers directed to plaintiffs may  
13 continue to be served on Dresser for forwarding purposes unless and until plaintiffs appear by other  
14 counsel or pro se. *See* N.D. Cal. Civ. R. 11-5(b). Dresser is ordered to serve a copy of this order on  
15 plaintiffs and file a proof of service with the court.

16 Furthermore, all existing calendar dates in this case, including the trial date, are vacated, and  
17 this action will be stayed through February 22, 2010, at which time the stay will automatically  
18 expire. If plaintiffs obtain new counsel, their new attorney(s) shall promptly enter an appearance  
19 and substitute into the matter. In addition, the parties shall file a joint status report on February 23,  
20 2010, which is to include whether plaintiffs have obtained new counsel or intend to proceed pro se,  
21 as well as the status of any outstanding discovery issues. A case management conference is set for  
22 March 2, 2010 at 1:30 p.m. to discuss the status of the remaining discovery addressed in this court’s  
23 April 7, 2009 order and the setting of new dates for dispositive motion hearings, the final pretrial  
24 conference, and trial.

25 **IT IS SO ORDERED.**

26 Dated: December 22, 2009

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HOWARD C. LLOYD  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Attorney Richard Swenson, with the Law Offices of William Dresser, is also listed on the docket as plaintiffs’ counsel of record. As Mr. Dresser is withdrawing from the case, Swenson shall also be terminated from the docket.

1 **C08-05483 Notice will be electronically mailed to:**

2 Marie Amelia Trimble            mtrimble@gordonrees.com  
3 Mark S. Posard                    mposard@gordonrees.com, mzahner@gordonrees.com  
4 Michael D. Bruno                mbruno@gordonrees.com  
5 Richard Augustus Swenson      rsloofwcd@aol.com  
6 William C. Dresser               loofwcd@aol.com

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**Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.**