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1		** E-filed December 22, 2009 **
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7	NOT FOR CITATION	
8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10	SAN JOSE DIVISION	
11	ROMELIA MCGRAW, individually and as guardian for minor SYLVERIA MCGRAW, and RUDY MCGRAW,	No. C08-05483 HRL
12		ORDER (1) GRANTING MOTION TO
13	Plaintiffs,	WITHDRAW AS COUNSEL AND (2) STAYING CASE
14		[Re: Docket No. 22]
15	NORMA MATRINEŻ, RICARDO Z. MEDINA, MARKEETA FIELDS,	
16		
17	JENNIFER JACOBSON, MS. CHRIS CORONA, and DOES 1–50, inclusive,	
18	Defendants.	
19	/	
20	Attorney William C. Dresser moves for an order permitting him to withdraw as plaintiffs'	
21	counsel of record. Defendants do not oppose Dresser's withdrawal. The plaintiffs themselves did	
22	not submit any papers nor appear at the motion hearing.	
23	A lawyer in a civil case may not withdraw as the counsel of record until relieved by the	
24	court. N.D. Cal. Civ. R. 11-5(a). Under the California Rules of Professional Conduct, a lawyer	
25	must withdraw from representing a client where "continued employment will result in violation of	
26	these rules or of the State Bar Act," such as when there are unresolved conflicts. Cal. Rules of	
27	Prof'l Conduct 3-700(B)(2); 3-310(C). He also may withdraw where the client "renders it	
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unreasonably difficult for the [lawyer] to carry out the employment effectively." Cal. Rules of 2 Prof'l Conduct 3-700(C)(1)(d).

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 services, both past and future. Second, he asserts that Rudy McGraw disputes that Dresser even represents him at all and refuses to respond to communications by phone, mail, and e-mail. Third, Dresser represents that he warned plaintiffs several times that if they did not resolve conflicts between themselves, or agree to the terms and scope of his representation, he would have to withdraw. (*Id.* ¶¶ 5–10.)

Good cause appearing, Dresser's motion to withdraw is GRANTED.<sup>1</sup> However, because 10 there has been no simultaneous substitution of counsel nor any clear indication of an intent to 11 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 counsel or pro se. See N.D. Cal. Civ. R. 11-5(b). Dresser is ordered to serve a copy of this order on 14 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 this action will be stayed through February 22, 2010, at which time the stay will automatically 17 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.

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Dated: December 22, 2009

**IT IS SO ORDERED.** 

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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 Michael D. Bruno	mtrimble@gordonrees.com mposard@gordonrees.com, mzahner@gordonrees.com mbruno@gordonrees.com rsloofwcd@aol.com
4	Richard Augustus Swenson William C. Dresser	rsloofwcd@aol.com loofwcd@aol.com
5	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.	
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United States District Court For the Northern District of California I