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

Peter B, Inc., et al.,

NO. C 09-00360 JW
NO. C 10-04454 JW

Plaintiffs,

v.

**ORDER FOLLOWING FURTHER CASE
MANAGEMENT CONFERENCE;
GRANTING MOTION TO WITHDRAW
AS PLAINTIFFS' COUNSEL; STAYING
CASES**

Reid Schantz, et al.,

Defendants.

Comerica Bank, et al.,

Defendants.

On March 14, 2011, the Court conducted a Further Status Conference Re. Settlement for C 09-0360-JW. Counsel for the respective parties were present. At the Conference, the parties discussed Plaintiffs' counsel's pending Motions to Withdraw as Counsel and the status of the Settlement. (hereafter, "Motions," C 09-0360-JW, Docket Item Nos. 172, 173; C 10-4454-JW, Docket Item Nos. 24, 25.) Plaintiffs stated at the Conference that they did not oppose their counsel's Motions to Withdraw.

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 or obligation to the lawyer as to expenses or fees; or (2) other conduct renders it

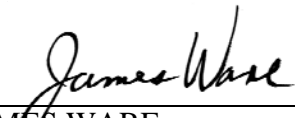
1 unreasonably difficult for the lawyer to carry out the employment effectively. Rule 3-700(C)(1)(d),
2 (f).

3 Here, based on counsel's representation that Plaintiffs and counsel have reached an impasse
4 over the administration of their fee agreement, and Plaintiffs' agreement at the Conference to seek
5 replacement counsel, the Court finds good cause to GRANT counsel's Motions to Withdraw as
6 Plaintiffs' counsel in both C 09-0360-JW and C 10-4454-JW. However, the Mirch firm shall remain
7 as counsel of record on both cases for **thirty (30) days** for the purposes of receiving and providing
8 legal documents until there is identification of substitute counsel. Further, the Court Orders as
9 follows:

- 10 (1) As discussed at the Conference, Plaintiffs' counsel shall return all Settlement funds
11 paid directly to the Mirch firm to the Special Master prior to **March 15, 2011**.
- 12 (2) The Special Master shall hold all Settlement funds and documents until such time as
13 Plaintiffs have retained substitute counsel or upon further Order of the Court.
- 14 (3) The Court sets **April 13, 2011 at 10 a.m.**, unless a conflict arises for that specific
15 time with Mr. Dollar's trial schedule, for a Telephonic Conference to verify the status
16 of Plaintiffs' efforts to retain substitute counsel.
- 17 (4) The Court STAYS both C 09-0360-JW and C 10-4454-JW until such time as
18 Plaintiffs retain substitute counsel or upon further Order of the Court.

19 Counsel shall immediately serve a copy of this Order on Plaintiffs.

20
21 Dated: March 16, 2011



JAMES WARE
United States District Chief Judge

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

2 Brian Douglas McFarlin bmcfarlin@ericksenarbuthnot.com
3 George C. Fisher georgecfisher@gmail.com
4 Kevin John Mirch mirch@charterinternet.com
5 Liam John O'Connor nritz@eakdl.com
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7 Reid Paul Schantz rps.esq@sasquatch.com
8 Steve W. Dollar nritz@eakdl.com

9
10 **Dated: March 16, 2011**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy