

United States District Court
For the Northern District of California

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E-FILED on 3/12/10

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

ANITA MCCULLOUGH,
Plaintiff,
v.
FLIGHT OPTIONS, LLC,
Defendant.

No. C-09-00488 RMW

ORDER GRANTING PLAINTIFF'S
COUNSEL'S MOTION TO WITHDRAW AS
ATTORNEY

[Re Docket No. 25]

Plaintiff's counsel, Robert D. Ponce, Law Offices of Robert D. Ponce ("Ponce"), moves to withdraw as an attorney for plaintiff Anita McCullough. Under California Rule of Professional Conduct 3-700(C)(5), Ponce may seek permissive withdrawal where "[t]he client knowingly and freely assents to termination of the employment." Ponce has submitted a declaration with an attached exhibit showing that plaintiff has terminated his employment. Decl. of Robert Ponce Ex. A. Plaintiff Anita McCullough also indicated to the court at the hearing on March 12, 2010 that she sought to terminate Ponce and to appear *pro se* in the matter. Accordingly, the court grants Ponce's motion to withdraw.


At the March 12, 2010 hearing, plaintiff gave the following contact information for service of papers: P.O. Box 221281, Carmel, CA 93922. Phone number: 831-915-9613.

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Defendant Flight Options, LLC ("Flight Options") submitted a statement of non-opposition to Ponce's motion to withdraw. Within this statement of non-opposition, Flight Options requested that the court enforce the settlement agreement which Flight Options alleges had already been reached between plaintiff Anita McCullough and Flight Options. Alternatively, Flight Options requests that the court amend its case scheduling order to continue all discovery and other deadlines and to move the trial date to February of 2011 at the earliest.

The court vacates all scheduling deadlines and sets a case management conference for May 21, 2010 at 10:30 a.m. If Flight Options wishes to seek enforcement of the alleged settlement agreement, it should file a motion for enforcement of the settlement that is noticed for hearing prior to the case management conference.

DATED: 3/12/10



RONALD M. WHYTE
United States District Judge

