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28E-FILED on 4/2/10

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

TIMOTHY CLEVELAND,

Plaintiff,

v.

ISABELLA'S AT WHARFSIDE, INC., TENE
SHAKE, and CITY OF MONTEREY,

Defendants.

No. C-09-02376 RMW

ORDER GRANTING MOTION TO
WITHDRAW**[Re Docket No. 19]**


Counsel for defendants Isabella's at Wharfside, Inc. ("Isabella's") and Tene Shake moves to withdraw as attorneys of record. Defense counsel testifies that his clients breached an agreement regarding the payment of fees and costs. Under California Rule of Professional Conduct 3-700(C)(1)(f), counsel may seek permissive withdrawal if the client "breaches an agreement or obligation to the member as to expense or fees." Accordingly, the court grants the motion to withdraw. It is hereby ordered that Littler Mendelson, a Professional Corporation, including Todd K. Boyer and Brian McMillan, be granted permission to withdraw from this case as attorneys representing Isabella's and Tene Shake.

The address at which defendants Isabella's and Tene Shake will receive service is: 1410 Manor Rd. Monterey, CA 93940, unless otherwise advised in writing by defendants.

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As a corporation, Isabella's may not appear *pro se*. Civil L.R. 3-9(b). It must obtain new counsel and direct its new counsel to file a notice of appearance by May 14, 2010. If no appearance is made by May 14, 2010, Isabella's will be subject to having its answer stricken and default entered against it.

DATED: 4/2/10



RONALD M. WHYTE
United States District Judge

