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**\*E-FILED: December 4, 2012\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN TORRES CABRERA,

No. C12-04294 HRL

Plaintiff,

**ORDER (1) CONDITIONALLY  
GRANTING ATTORNEY MOTION TO  
WITHDRAW; AND (2) RE-SETTING  
INITIAL CASE MANAGEMENT  
CONFERENCE**

v.

CHRISTOPHER HANBUM OH,

Defendant.

**[Re: Docket No. 13]**

Now before the court is attorney Milton Katz’s motion for permission to withdraw as defense counsel of record. The papers presented indicate that the motion was served on plaintiff and defendant. The court has received no opposition to the motion, and the time for submitting any opposition or response has passed. The matter is deemed suitable for determination without oral argument. The December 11, 2012 hearing therefore is vacated. Civ. L.R. 7-1(b). Having considered the moving papers, the court rules as follows:

“Counsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case.” Civ. L.R. 11-5(a). “In the Northern District of California, the conduct of counsel is governed by the standards of professional conduct required of members of the State Bar of California, including the Rules of Professional Conduct of the State Bar of California.” Hill Design Group v. Wang, No. C04-521 JF (RS), 2006 WL 3591206 at \*4 (N.D. Cal., Dec.

1 11, 2006) (citing Elan Transdermal Limited v. Cygnus Therapeutic Systems, 809 F. Supp.  
2 1383, 1387 (N.D. Cal.1992)). Those standards provide that an attorney may seek permission to  
3 withdraw if, among other things, the client's conduct renders it unreasonably difficult for the  
4 attorney to represent the client effectively or if the client breaches an agreement or obligation  
5 with respect to the payment of fees. Id. (citing Cal. Rules of Professional Conduct Rule 3-  
6 700(C)(1)(d), (f)). Here, Katz avers that defendant refuses to pay his fees and also refuses to  
7 provide records Katz believes are necessary for the defense of this action. Upon consideration  
8 of Katz's motion, and having received no objection to it, the court grants the motion to  
9 withdraw, subject to the condition that papers may continue to be served on counsel for  
10 forwarding purposes, unless and until defendant Oh appears by other counsel or pro se.<sup>1</sup> CIV.  
11 L.R. 11-5(b).

12 Additionally, the initial case management conference is re-set for **December 18, 2012,**  
13 **1:30 p.m.**, Courtroom 2, Fifth Floor, United States District Court, 280 South First Street, San  
14 Jose, California. **Defendant Oh is advised that if he has not yet retained a new attorney, he**  
15 **must appear in person before this court on that date.**

16 SO ORDERED.

17 Dated: December 4, 2012

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20 HOWARD R. LLOYD  
21 UNITED STATES MAGISTRATE JUDGE  
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27 \_\_\_\_\_  
28 <sup>1</sup> Absent information from defendant Oh as to any newly retained counsel or  
the contact information Oh will use if he proceeds pro se, the court will mail a copy of this  
order to him at the address Katz lists for defendant in his motion papers.

1 5:12-cv-04294-HRL Notice has been electronically mailed to:

2 Milton Katz , Esq miltonkatz@yahoo.com

3 Tomas Eduardo Margain margainlaw@hotmail.com, brisa.velazquez.dbmlaw@gmail.com,  
4 rronan@gmail.com, huytran.dbmlaw@gmail.com, tm@wagedefenders.com

5 5:12-cv-04294-HRL A copy of this order sent by U.S. Mail to:

6 Christopher Hanbum Oh  
7 452 University Avenue  
8 Palo Alto, CA 94301

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