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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ALLEGRO CONSULTANTS, INC.,

Plaintiff,

v.

WELLINGTON TECHNOLOGIES, INC.,

Defendant.

Case No. 13-cv-02204-BLF

**ORDER VACATING HEARING ON
MOTION FOR WITHDRAWAL AS
COUNSEL FOR PLAINTIFF; AND
GRANTING MOTION**

[Re: ECF 118]

Counsel for Plaintiff Allegro Consultants, Inc., Nick Heimlich, has filed a motion for withdrawal as counsel. Motion, ECF 118. The motion was filed on July 21, 2017 and noticed for hearing on December 7, 2017. *Id.* No opposition has been filed, and the deadline for opposition has expired. *See* Civ. L.R. 7-3(a) (“opposition must be filed and served not more than 14 days after the motion was filed”). The Court concludes that the motion to withdraw is appropriate for decision without oral argument and thus VACATES the hearing set for December 7, 2017. *See* Civ. L.R. 7-1(b).

The decision to permit counsel to withdraw is within the discretion of the district court. *See United States v. Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009) (stating abuse of discretion standard). “Courts consider several factors when deciding a motion for withdrawal, including: (1) the reasons counsel seeks to withdraw; (2) the possible prejudice that withdrawal may cause to other litigants; (3) the harm that withdrawal might cause to the administration of justice; and (4) the extent to which withdrawal will delay resolution of the case.” *Brown v. City of Antioch*, No. 16-CV-05102-LB, 2017 WL 2438989, at *1 (N.D. Cal. June 6, 2017) (internal quotation marks and citation omitted).

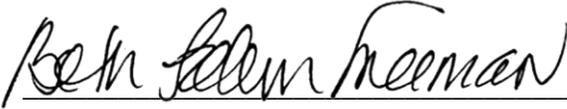
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With respect to the first factor, the reasons for the request to withdraw, counsel submits a declaration stating that he seeks to withdraw at the direction of his client, Plaintiff Allegro Consultants, Inc. Heimlich Decl. ¶¶ 3-4, ECF 118-2. Because judgment was entered in this case more than a year ago, the second, third, and fourth factors, relating to potential prejudice and delay, do not appear to be implicated.

Because counsel seeks withdrawal at the request of his client, and absent objection by any other litigant or any indication on the record that withdrawal would cause prejudice or delay, Mr. Heimlich’s motion for withdrawal as counsel of record for Plaintiff is GRANTED.

IT IS SO ORDERED.

Dated: August 10, 2017



BETH LABSON FREEMAN
United States District Judge