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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JEFFREY A. PRUSSIN and JUDY M.  
PRUSSIN,

Plaintiffs,

v.

BEKINS VAN LINES, LLC; BEKINS VAN  
LINES, INC.; TRIPLE CROWN  
MAFFUCCI STORAGE CORPORATION,

Defendants.

Case No. 5:13-cv-02874 HRL

**ORDER CONDITIONALLY  
GRANTING MOTION TO BE  
RELIEVED AS COUNSEL OF RECORD  
FOR DEFENDANT BEKINS VAN  
LINES LLC**

**[RE: DKT. 49]**

Now before the court is attorney Gregg S. Garfinkel's motion for permission to withdraw as counsel of record for defendant Bekins Van Lines LLC (Bekins LLC). The papers presented indicate that Mr. Garfinkel provided advance written notice to Bekins LLC of his intent to withdraw from this matter, and the instant motion was served on counsel for all other parties. 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, and the April 7, 2015 hearing is vacated. Civ. L.R. 7-1(b). Having considered the moving papers, the court conditionally grants the motion 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

1 appeared in the case.” Civ. L.R. 11-5(a). “In the Northern District of California, the conduct of  
2 counsel is governed by the standards of professional conduct required of members of the State Bar  
3 of California, including the Rules of Professional Conduct of the State Bar of California.” Hill  
4 Design Group v. Wang, No. C04-521 JF (RS), 2006 WL 3591206 at \*4 (N.D. Cal., Dec. 11, 2006)  
5 (citing Elan Transdermal Limited v. Cygnus Therapeutic Systems, 809 F. Supp. 1383, 1387 (N.D.  
6 Cal.1992)). Those standards provide that an attorney may seek permission to withdraw if, among  
7 other things, the client’s conduct renders it unreasonably difficult for the attorney to represent the  
8 client effectively or if the client breaches an agreement or obligation with respect to the payment  
9 of fees. Id. (citing Cal. Rules of Professional Conduct Rule 3-700(C)(1)(d),(f)).

10 Mr. Garfinkel says that Bekins LLC has dissolved and that there has been a complete  
11 breakdown in the attorney-client relationship. According to Mr. Garfinkel, Bekins LLC has  
12 ceased all communications with him (making it unreasonably difficult for him to carry out its  
13 representation effectively) and has failed to fulfill its obligations to pay fees and costs. (Garfinkel  
14 Decl. ¶¶ 5-6). As discussed, no one has filed an opposition to the requested withdrawal. Finding  
15 sufficient grounds for withdrawal, the court grants the motion, subject to the condition that papers  
16 may continue to be served on Mr. Garfinkel for forwarding purposes, unless and until Bekins LLC  
17 appears by other counsel. Civ. L.R. 11-5(b).

18 **Bekins LLC is advised that it may not appear pro se or through its corporate officers,**  
19 **but must retain new counsel forthwith to represent it in this lawsuit.** See Civ. L.R. 3-9(b) (“A  
20 corporation, unincorporated association, partnership or other such entity may appear only through  
21 a member of the bar of this Court”); see also Rowland v. California Men’s Colony, 506 U.S. 194,  
22 201-02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may  
23 appear in the federal courts only through licensed counsel”); In Re Highley, 459 F.2d 554, 555  
24 (9th Cir. 1972) (“A corporation can appear in a court proceeding only through an attorney at  
25 law”). **Bekins LLC is further advised that it retains all of the obligations of a litigant, and its**  
26 **failure to appoint an attorney may lead to an order striking its pleadings or to entry of its**  
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**default.**

SO ORDERED.

Dated: April 3, 2015



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HOWARD R. LOYD  
UNITED STATES MAGISTRATE JUDGE

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5:13-cv-02874-HRL Notice has been electronically mailed to:  
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