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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SILICON LABORATORIES, INC.,
Plaintiff,
v.
CRESTA TECHNOLOGY
CORPORATION,
Defendant.

Case No. [14-cv-03227-PSG](#)

**ORDER DENYING MOTION TO
WITHDRAW AS COUNSEL**

(Re: Docket No. 171)

For the second time in less than a year, counsel for Defendant Cresta Technology Corporation seeks the court’s permission to withdraw.¹ CrestaTech’s first set of lawyers moved to withdraw in May 2015, with the consent of their client.² Over Plaintiff Silicon Laboratories, Inc.’s objection, the court granted the request and extended certain case deadlines.³ However, the court warned CrestaTech that “we are going to go forward with this schedule” and “[t]here will be no further delays.”⁴ CrestaTech’s new counsel entered the fray on June 17⁵ and promptly sought to extend deadlines for discovery.⁶ The court denied the request.⁷

¹ See Docket No. 171; *see also* Docket No. 75.

² See Docket No. 75.

³ See Docket No. 80.

⁴ Docket No. 82 at 12:23-24.

⁵ See Docket No. 84.

⁶ See Docket No. 94.

⁷ See Docket No. 98.

1 Now, less than two months from trial,⁸ CrestaTech’s attorneys again ask the court to open
2 the escape hatch.⁹ They also move to stay proceedings while CrestaTech finds new counsel. This
3 time, justifiably concerned about the difficulty of finding new representation at this late date,
4 CrestaTech does not consent to the withdrawal.¹⁰ Nevertheless, CrestaTech’s counsel claims that
5 it cannot continue and must mandatorily withdraw.

6 The California Rules of Professional Conduct govern whether and how attorneys may
7 withdraw from representing their clients.¹¹ The grounds for mandatory withdrawal are extremely
8 limited and include only a client’s bringing a harassing or malicious lawsuit, imminent violation of
9 ethical rules or the lawyer’s mental or physical impairment.¹² An attorney can request the court’s
10 permission to withdraw, however, for a broader set of reasons, including the unreasonable
11 difficulty of representation, breach of a fee agreement or “other good cause for withdrawal,”
12 among others.¹³ “The court has discretion to grant or deny a motion to withdraw, and it can
13 exercise that discretion, and decide to deny such a motion, ‘where such withdrawal would work an
14 injustice or cause undue delay in the proceeding.’”¹⁴

15 Today, both client and counsel appeared at an ex parte hearing to explain the reasons for
16 the motion to withdraw.¹⁵ The court finds that none of the circumstances justifying mandatory
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18 ⁸ Trial is scheduled for March 28, 2016. *See* Docket No. 36.

19 ⁹ *See* Docket No. 171.

20 ¹⁰ *See* Docket No. 171-1 at ¶ 7.

21 ¹¹ *See Nehad v. Mukasey*, 535 F.3d 962, 970-71 (9th Cir. 2008).

22 ¹² *See* Cal. Rules of Prof’l Conduct 3-700(B).

23 ¹³ *Id.* 3-700(C).

24 ¹⁴ *Adams v. City of Hayward*, Case No. 14-cv-05482-KAW, 2015 WL 5316124, at *1 (N.D. Cal.
25 Sept. 11, 2015) (quoting *Gong v. City of Alameda*, Case No. 03-cv-05495-TEH, 2008 WL 160964,
26 at *1 (N.D. Cal. Jan. 8, 2008)).

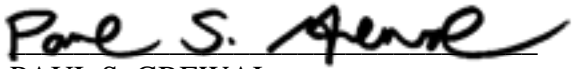
27 ¹⁵ *See* Docket No. 188.

1 withdrawal applies here. Further, in light of the impending trial date and its earlier promises, the
2 court is not inclined to stay proceedings at this late stage, and allowing CrestaTech's counsel to
3 depart the case would leave CrestaTech in an untenable position. All in all, granting the motion to
4 withdraw would necessarily either "work an injustice or cause undue delay in the proceeding."¹⁶

5 The motion is DENIED.

6 **SO ORDERED.**

7 Dated: January 29, 2016

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9 PAUL S. GREWAL
United States Magistrate Judge

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27 ¹⁶ *Adams*, 2015 WL 5316124, at *1 (quoting *Gong*, 2008 WL 160964, at *1).