

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ESTATE OF ROBERT RENZEL,  
DECEASED, et al.,

Plaintiffs,

v.

LUPE VENTURA, et al.,

Defendants.

Case No. 5:15-cv-01648-RMW

**ORDER REGARDING REQUEST FOR  
SUBSTITUTION OF COUNSEL FOR  
HAN DEFENDANTS**

Re: Dkt. No. 81

Before the court are proposed “Consent Order[s] Granting Substitution of Attorney” filed by the law firm of Davert & Loe, counsel for defendants Mija Han and Uktae Han (the “Han defendants”). Dkt. Nos. 81, 81-1. The proposed consent orders are signed by both Han defendants and by attorney Thomas P. Schmidt of Davert & Loe and seek to have the Han defendants represent themselves pro se. Under Civil Local Rule 11-5(a), “[c]ounsel 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.” The court thus construes Davert & Loe’s filing as a motion to withdraw pursuant to Civil Local Rule 11-5.

Within 14 days of the date of this order, counsel from Davert & Loe shall provide the last known address(es) of Mija Han and Uktae Han for service of process. Counsel shall also certify that counsel has provided each Han defendant with the following notice:

**Notice to Client Who Will be Unrepresented**

If the court accepts the motion to substitute yourself for Thomas P. Schmidt and Davert & Loe, you will not have an attorney representing you.

YOU MAY WISH TO SEEK LEGAL ASSISTANCE. IF YOU DO NOT HAVE A NEW ATTORNEY TO REPRESENT YOU IN THIS ACTION OR PROCEEDING, YOU WILL BE REPRESENTING YOURSELF. IT WILL BE YOUR RESPONSIBILITY TO COMPLY WITH ALL COURT RULES AND APPLICABLE LAWS. IF YOU FAIL TO DO SO, OR FAIL TO APPEAR AT HEARINGS, ACTION MAY BE TAKEN AGAINST YOU. YOU MAY LOSE YOUR CASE.

You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, you should immediately seek legal advice regarding legal representation. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

If this requested substitution is granted, the court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

Upon compliance with the above conditions, Davert & Loe will be relieved as counsel of record for the Han defendants.

**IT IS SO ORDERED.**

Dated: March 31, 2016



Ronald M. Whyte  
United States District Judge