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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN JOSE DIVISION

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8 OPTRONIC TECHNOLOGIES, INC, et al.,
9 Plaintiffs,
10 v.
11 NINGBO SUNNY ELECTRONIC CO.,
LTD., et al.,
12 Defendants.

Case No. [5:16-cv-06370-EJD](#)

**ORDER GRANTING KJC LAW
GROUP'S MOTION TO WITHDRAW
AS COUNSEL FOR DEFENDANT
NINGBO SUNNY ELECTRONIC CO.,
LTD.**

Re: Dkt. No. 711

13 Before the Court is KJC Law Group's Motion to Withdraw as Counsel for Defendant
14 Ningbo Sunny Electronic Co., Ltd. Dkt. No. 711. The Court took the matter under submission
15 without oral argument pursuant to Civil Local Rule 7-1(b). Having considered the papers,
16 evidence, and arguments presented, the Court finds that good cause exists for KJC Law Group's
17 withdrawal.

18 KJC Law Group did not disclose the precise reasons for its withdrawal in order to avoid
19 violating attorney client privilege. Nonetheless, Ningbo Sunny has consented to KJC Law
20 Group's withdrawal and has requested that KJC Law Group no longer represent it in this action.
21 The Court finds this sufficient to support withdrawal. See California Rules of Professional
22 Conduct, Rules 1.16(a)(4) (providing "a lawyer . . . shall withdraw from the representation of a
23 client if . . . the client discharges the lawyer") & 1.16(b)(6) (providing "a lawyer may withdraw
24 from representing a client if the client knowingly and freely assents to termination of the
25 representation");¹ Declaration of Kevin J. Cole, Dkt. No. 711-1 ¶ 2.

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27 ¹ In this district, the conduct of counsel, including the withdrawal of counsel, is governed by
the standards of professional conduct required of members of the State Bar of California. N.D.
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**ORDER GRANTING KJC LAW GROUP'S MOTION TO WITHDRAW AS COUNSEL FOR
DEFENDANT NINGBO SUNNY ELECTRONIC CO., LTD.**

1 Plaintiff does not oppose KJC Law Group’s withdrawal, however, it requests that the Court
2 impose certain conditions, which it argues “are necessary to prevent the withdrawal of
3 Defendant’s counsel from prejudicing Orion in light of Defendant’s ongoing failure to comply
4 with the Orders of this Court.” Orion’s Response to Motion to Withdraw as Counsel For Ningbo
5 Sunny, Dkt. No. 721. Specifically, Plaintiff asks that KJC Law Group (1) continue to accept
6 service of process of behalf of Ningbo Sunny moving forward; (2) disclose to Plaintiff in writing
7 whether KJC Law Group has in its possession, custody of control documents or information
8 collected in response to any order of the Court; (3) remain subject to the Court’s jurisdiction for
9 discovery purposes; and (4) identify Ningbo Sunny’s agents and employees with whom KJC Law
10 Group has had contact. Id.

11 The Court agrees that requiring KJC Law Group to serve all documents on Ningbo Sunny
12 will benefit these proceedings and avoid prejudice to Plaintiff going forward. The Court further
13 notes that regardless of the withdrawal, the Court has jurisdiction over KJC Law Group in order
14 to, for example, compel the production of documents, if necessary. As to Plaintiff’s second and
15 fourth request, however, the Court finds that the disclosure of the information that Plaintiff
16 requests would violate the attorney-client privilege. See, e.g., Mitchell v. Superior Court, 37
17 Cal.3d 591, 600 (1984) (explaining that, “it is the actual fact of the transmission [of documents]
18 which merits protection, since discovery of the transmission of specific public documents might
19 very well reveal the transmitter’s intended strategy.”) (internal citations and quotations omitted).
20 Although the Court acknowledges that Defendant has failed to comply with multiple Court
21 Orders, the Court does not find it appropriate to impose the requested conditions upon KJC Law
22 Group’s withdrawal.

23 For the reasons stated above, KJC Law Group’s Motion to Withdraw is hereby

24 **GRANTED.**

25 IT IS FURTHER ORDERED that all papers from the Court or the parties pertaining to this

26 Cal. Civ. L.R. 11-4(1); Kannan v. Apple Inc., No. 5:17-CV-07305-EJD, 2020 WL 75942, at *1
27 (N.D. Cal. Jan. 7, 2020).

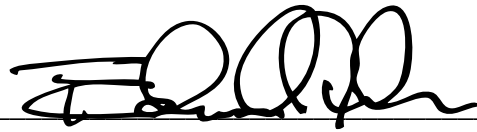
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action shall continue to be served on KJC Law Group for forwarding purposes only, until substitute counsel has entered an appearance. KJC Law Group may forward any papers served on it to Ningbo Sunny electronically.

IT IS FURTHER ORDERED that Ningbo Sunny will provide a status report, in writing, no later than September 18, 2020, updating the Court on its search for new counsel. A status conference will be set for October 1, 2020 at 10:00 a.m. The Court shall reevaluate KJC Law Group's continuing service obligations at that time.

IT IS SO ORDERED.

Dated: August 20, 2020



EDWARD J. DAVILA
United States District Judge