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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES BRYANT, an individual,  
  
Plaintiff,  
  
v.  
  
AMTRAK, a business form unknown; and  
DOES 1 through 50, inclusive,  
  
Defendant.

CASE NO. 08cv0458-J (RBB)

**ORDER:**

**(1) GRANTING ATTORNEY  
MARK-ROBERT BLUEMEL'S  
MOTION TO WITHDRAW AS  
COUNSEL**

**(2) CONTINUING DEFENDANT'S  
MOTION FOR JUDGMENT ON  
THE PLEADINGS AND SETTING  
BRIEFING SCHEDULE**

Before the Court is attorney Mark-Robert Bluemel's motion to withdraw as attorney of record for Plaintiff James Bryant. This matter has come for hearing before the Court several times previously. On May 18, 2009, the Court ordered Mr. Bluemel to submit an itemization of costs incurred related to this case and continued the motion until June 1, 2009. At the June 1 hearing, the Court found that the accounting Mr. Bluemel provided was inadequate and ordered Mr. Bluemel to submit a revised accounting of costs. The Court has received and reviewed the revised accounting and finds that this accounting is once again inadequate. The itemization for expenses related to the case remains essentially unchanged from the last submission, except that the figures have increased by \$562.47 with no explanation of those increases. The revised accounting includes an itemization for over \$17,000 in attorney's fees; however, such fees are not at issue presently because the contingent fee arrangement set out in the Legal Services

1 Agreement signed by Mr. Bryant makes the client responsible only for costs and expenses, not  
2 for attorney's fees.

3 Because Mr. Bluemel has not provided the Court with an adequate accounting of costs  
4 and expenses incurred, the Court will **GRANT** Mr. Bluemel's motion to be relieved as counsel  
5 only upon the condition that Mr. Bluemel refund Mr. Bryant the \$1500 retainer Mr. Bryant  
6 paid for this case. Mr. Bluemel must submit proof of such refund to the Court within two  
7 weeks of today.

8 Also before the Court is Defendant's Motion for Judgment on the Pleadings. The Court  
9 hereby **CONTINUES** that motion until *Monday, July 13, 2009 at 8:30am*. If Plaintiff retains  
10 new counsel, he should appear with counsel at the July 13 hearing; otherwise, he may proceed pro se.  
11 Plaintiff's Opposition to the Motion will be due *June 29, 2009*, and Defendant's Reply will  
12 be due *July 6, 2009*.

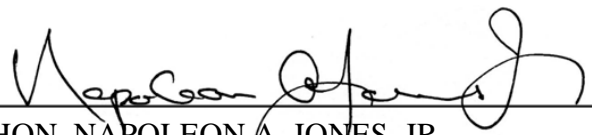
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14 **IT IS SO ORDERED.**

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16 DATED: June 15, 2009

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HON. NAPOLEON A. JONES, JR.  
United States District Judge

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19 cc: All Parties  
Magistrate Judge Brooks

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