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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL CHAVEZ and DONNA CHAVEZ,

Plaintiffs,

v.

ONEWEST BANK, F.S.B, et al.,

Defendants.

CASE No: 09-CV-1570 W (NLS)

**ORDER:**

- 1) GRANTING ATTORNEY KENT WILSON'S EX PARTE MOTION TO WITHDRAW AS PLAINTIFFS' ATTORNEY (DOC. 40.)
- 2) DENYING DEFENDANT'S EX PARTE MOTION TO TERMINATE STAY (DOC. 41.)
- 3) DENYING DEFENDANT'S EX PARTE MOTION TO EXPUNGE THE LIS PENDENS (DOC. 42.)

Plaintiffs initiated this lawsuit to avoid losing their home through foreclosure proceedings. On April 9, 2010, this Court granted a joint-motion to stay this lawsuit because Plaintiffs had entered a loan modification program. (Doc. 38.) Specifically, the lawsuit was stayed until September 1, 2010, or until action had been taken by either party to lift the stay. (*Id.*)

1 On July 9, 2010, Plaintiffs' attorney, Kent Wilson, filed an ex parte motion to  
2 withdraw from this lawsuit. Kent Wilson's declaration indicates that a severe  
3 breakdown in the attorney-client relationship has occurred. In fact, Kent Wilson and  
4 Plaintiffs are now in litigation against each other in San Diego Superior Court.

5 On July 14, 2010, Defendant OneWest Bank, F.S.B. ("OneWest") filed two  
6 different ex parte motions. The first motion seeks to terminate the stay and for the  
7 Court to rule on a previously filed motion to dismiss. (Doc. 41.) OneWest's second  
8 motion seeks to expunge the lis pendens, in the event that the Court granted the  
9 motion to dismiss. (Doc. 42.)

10 On July 16, 2010, Plaintiffs filed a response to Kent Wilson's motion to withdraw  
11 as their attorney. Plaintiffs acknowledge that Mr. Wilson's withdrawal from this case  
12 is mandatory, but express serious concerns regarding his immediate withdrawal and the  
13 irreparable injury they would suffer in light of OneWest's recently filed motions.

14 Having read and considered the moving papers, the Court finds that Kent Wilson  
15 can not continue to serve as Plaintiffs' counsel. Therefore, his motion to immediately  
16 withdraw as their attorney of record is **GRANTED**. (Doc. 40.) Plaintiffs shall be listed  
17 as pro se litigants and should immediately provide the Court with their contact  
18 information.

19 In light of the foregoing, the Court must **DENY** OneWest's motion to terminate  
20 the stay. (Doc. 41.) This case shall remain stayed until **September 10, 2010**, or until  
21 Plaintiffs find new counsel, or until either party shows good cause to lift the stay.

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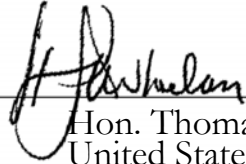
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1           Additionally, the Court will **DENY** the ex parte motion to expunge the *lis*  
2 *pendens*, without prejudice. (Doc. 42.)   Lastly, Attorney Kent Wilson is hereby  
3 **ORDERED** to serve a copy of this ruling upon his former clients, Michael and Donna  
4 Chavez, **WITHIN THREE DAYS** of the date of this Order.   He is furthered  
5 **ORDERED** to serve a copy of this ruling upon Attorney Nicole Gallagher, whose efforts  
6 in specially appearing for Plaintiffs were very much appreciated.

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**IT IS SO ORDERED.**

DATED: July 19, 2010

  
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Hon. Thomas J. Whelan  
United States District Judge