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

PACIFIC MARITIME FREIGHT, INC.,

Plaintiff,

v.

SONIA L. FOSTER; THE FOSTER
GROUP, INC.; DOES 1 through 10,
inclusive,

Defendants,

AND RELATED COUNTERCLAIM

Case No. 10cv00578 BTM (BLM)

**ORDER GRANTING MOTION TO
WITHDRAW**

Gordon & Rees, LLP (“G&R”) has filed a motion to withdraw as counsel of record for Defendants Sonia L. Foster and The Foster Group, Inc. (collectively, the “Foster Defendants”).

G&R seeks to withdraw as counsel of record on the grounds that the Foster Defendants have ceased communicating with G&R, have made it unreasonably difficult for G&R to carry out its representation effectively, and have failed to comply with contractual obligations to pay fees and expenses to G&R.

Under California’s Rules of Professional Conduct, withdrawal is permissible if the client “renders it unreasonably difficult for the [attorney] to carry out the employment effectively, or . . . breaches an agreement or obligation to the [attorney] as to expenses or fees.” Cal. R. Prof. Conduct 3-700(C)(1)(d) & (f).

1 Based on G&R's representations, set forth in the Declaration of Russell P. Brown, that
2 the Foster Defendants ceased communicating with G&R in June 2011, and that they have
3 failed to meet obligations as to fees and expenses owed both to G&R and to expert
4 witnesses retained by G&R for the purposes of this representation, the Court finds that
5 withdrawal is justified. Therefore, the Court **ORDERS** as follows:

- 6 1. G&R's motion to withdraw as counsel of record for the Foster Defendants is
7 hereby **GRANTED**.
- 8 2. The stay of this case, entered on September 22, 2011 (Dkt. No. 34) is hereby
9 **LIFTED**.
- 10 3. The Clerk shall terminate Gordon & Rees, LLP as counsel of record for
11 Defendants Sonia L. Foster and The Foster Group, Inc.
- 12 4. G&R shall immediately serve a copy of this Order on both of the Foster
13 Defendants, and shall file a proof of service with the Court.
- 14 5. Within **five days** of receiving this Order, The Foster Defendants shall provide,
15 by fax or email, to the Court and to Plaintiff's counsel, current contact
16 information for telephone, mail/delivery, e-mail, and fax.
- 17 6. The Foster Group, Inc. must retain new counsel and its new counsel must file
18 a notice of appearance within **45 days** of the entry of this order. Since a
19 corporation¹ cannot represent itself, if The Foster Group, Inc. does not obtain
20 counsel, the Court may enter a default judgment against it and may dismiss its
21 counterclaim for failure to prosecute.
- 22 7. All parties shall appear for a status conference on **Tuesday, February 21, at**
23 **4:00 p.m.**

24 **IT IS SO ORDERED.**

25 Dated: December 28, 2011


26 **HONORABLE BARRY TED MOSKOWITZ**
27 United States District Judge

28 ¹It appears from the record that The Foster Group, Inc. is a Maryland corporation.
See Dkt. No. 12-1 at 2 of 8 (Exhibit A to Defendants' Answer to the Complaint).