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

SHAUN SHANNON,  
  
Plaintiff,  
  
v.  
  
WINDSOR EQUITY GROUP, INC.,  
  
Defendant.

CASE NO. 12cv1124-MMA (JMA)  
  
**NOTICE AND ORDER  
PROVIDING TENTATIVE  
RULINGS RE: DEFENSE  
COUNSELS' EX PARTE MOTIONS  
TO WITHDRAW AS COUNSEL  
FOR DEFENDANT WINDSOR  
EQUITY GROUP, INC.**  
  
[Doc. Nos. 53, 57]

Currently set for hearing before the Court on Monday, March 30, 2015 at 9:00 a.m. are Ellis Law Group, LLP (“ELG”) and Kronick, Moskovitz, Tiedemann & Girard’s (“KMTG”) separate *ex parte* motions to withdraw as counsel for Defendant Windsor Equity Group, Inc. Having considered the parties’ submissions, and in anticipation of Monday’s hearing, the Court issues the following tentative rulings:

“An attorney may not withdraw as counsel except by leave of court.” *Darby v. City of Torrance*, 810 F. Supp. 275, 276 (C.D. Cal. 1992); *see also* S.D. Cal. Civ. R. 83.3(g). The decision to grant or deny a motion for withdrawal is within the court’s sound discretion, and courts consider the following factors: “(1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants;

1 (3) the harm withdrawal might cause to the administration of justice; and (4) the  
2 degree to which withdrawal will delay the resolution of the case.” *Garrett v. Ruiz*,  
3 No. 11cv2540, 2013 WL 163420, \*2 (S.D. Cal. Jan. 14, 2013).


4 The Court tentatively finds that good cause exists for Ellis Law Group, LLP  
5 and Kronick, Moskovitz, Tiedemann & Girard to withdraw as counsel for  
6 Defendant. It appears that Defendant has consented to the withdrawal of both law  
7 firms. *See* Steinheimer Decl. ¶ 3; Coleman Supp. Decl. ¶ 3. Although not  
8 dispositive, a client’s consent may provide the basis for permissive withdrawal of  
9 counsel. *See* Cal. Rule of Professional Conduct 3-700(C)(5) (permitting a member  
10 to request permission to withdraw because “[t]he client knowingly and freely assents  
11 to termination of the employment”). Additionally, it appears that KMTG has not  
12 been involved in litigating this case since June 2012, almost 3 years ago, and ELG  
13 has represented to this Court that further representation of Defendant is untenable  
14 based on its professional obligations. Although counsels’ withdrawal may result in  
15 delay of trial, any prejudice to Plaintiff resulting from this minor delay can be  
16 mitigated by requiring Defendant to retain new counsel within 21 days or be subject  
17 to sanctions, including entry of default judgment. Once new counsel has entered an  
18 appearance, the Court will reset the trial date. Finally, the risk of harm to the  
19 administration of justice weighs in favor of permitting withdrawal.

20 Additionally, June Coleman of Kronick, Moskovitz, Tiedemann & Girard may  
21 appear telephonically at Monday’s hearing. Counsel shall call in to the  
22 undersigned’s courtroom prior to the 9:00 a.m. hearing.

23 The Court advises the parties that these rulings are tentative. The Court will  
24 entertain additional argument at the hearing on Monday, March 30, 2015.

25 **IT IS SO ORDERED.**

26  
27 DATED: March 26, 2015



Hon. Michael M. Anello  
United States District Judge