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

DK HOLDINGS, dba DOTCOM HOST,
Plaintiff,
v.
MIVA, INC., et al.,
Defendants.

Case No.: 16-CV-0580 W (AGS)

**ORDER GRANTING MOTION TO
SUBSTITUTE ATTORNEY
[DOC. 112]**

Pending before the Court is a motion to substitute attorney for Plaintiff DK Holdings. (*Mot. to Substitute* [Doc. 112].) Plaintiff moves to substitute One LLP for Knobbe, Martens, Olson, & Bear LLP. The motion bears the signatures of the withdrawing attorneys and the substituting attorneys. (*See id.*) It lacks Plaintiff's signature, in violation of the Southern District's Local Rules. See Civ. L.R. 83.3(f)(2).

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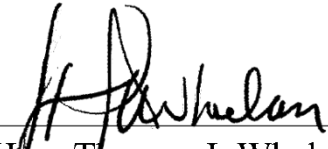
1 “The grant or denial of an attorney’s motion to withdraw in a civil case is a matter
2 addressed to the discretion of the trial court” Washington v. Sherwin Real Estate,
3 Inc., 694 F.2d 1081, 1087 (7th Cir. 1982). Factors considered in evaluating the
4 application include: “1) the reasons why withdrawal is sought; 2) the prejudice
5 withdrawal may cause to other litigants; 3) the harm withdrawal might cause to the
6 administration of justice; and 4) the degree to which withdrawal will delay the resolution
7 of the case.” CE Resource, Inc. v Magellan Group, LLC, 2009 WL 3367489, at *2 (E.D.
8 Cal. Oct. 14, 2009) (citing Canandaigua Wine Co., Inc. v. Moldauer, 2009 WL 89141, at
9 *1 (E.D. Cal. Jan. 14, 2009)).

10 Though the motion lacks Plaintiff’s signature, it contains a representation from
11 both sets of attorneys (signed by five attorneys, total) that DK Holdings has retained One
12 LLP in place of Knobbe, Martens, Olson & Bear LLP. Attorneys are officers of the
13 court, see Cal. Rule of Court 9.4, and it is reasonable to infer from the motion that
14 Plaintiff consents to the substitution. Granting the motion would not prejudice other
15 litigants, harm to the administration of justice, or delay resolution of this matter in any
16 meaningful way.

17 The Court **GRANTS** the motion. One LLP is now counsel of record for DK
18 Holdings in place of Knobbe, Martens, Olson & Bear LLP.

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20 **IT IS SO ORDERED.**

21 Dated: November 9, 2017

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25 Hon. Thomas J. Whelan
26 United States District Judge
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