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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 PAUL CHAU,

12 Plaintiff,

13 v.

14 NATIONWIDE INSURANCE
15 COMPANY OF AMERICA,

16 Defendants.
17

Case No.: 16-CV-0927 W (NLS)

**ORDER GRANTING ATTORNEYS'
MOTION TO WITHDRAW AS
COUNSEL FOR PLAINTIFF**

18 Attorney Elliott N. Kanter and the Law Office of Elliott N. Kanter (collectively
19 “Attorneys”) have filed a motion to withdraw as attorney of record for Plaintiff Paul
20 Chau. The motion is unopposed.

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

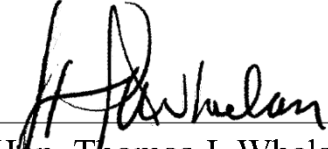
1 Attorneys contend that irreconcilable differences have arisen during this case,
2 which has made it “virtually impossible to properly represent Mr. Chau.” (*Mot.* [Doc.
3 30] 2:7–10.) Additionally, Attorneys contend “Mr. Chau has made promises as to
4 compensation for his attorney costs and fees, which have not been fulfilled.” (*Id.* 2:11–
5 12.) Mr. Chau’s failure to pay the attorneys’ fees is a sufficient ground to justify
6 withdrawal. See, CA ST RPC Rule 3-700(B)(f).

7 Additionally, there is nothing in the record suggesting that Attorneys’ withdrawal
8 will prejudice the litigants in this matter, will harm the administration of justice or unduly
9 delay the resolution of this case. Attorneys have notified and served a copy of this
10 motion on Mr. Chau, who was aware of the deadline for filing his opposition. (*Kanter*
11 *Decl.* [Doc. 46] ¶¶ 2–6.) The motion was also served on the Defendant. (*Cert. of Service*
12 [Doc. 30-2].) To date, no opposition to the motion has been filed.

13 For all these reasons, the Court **GRANTS** Attorney Elliott N. Kanter and the Law
14 Office of Elliott N. Kanter’s motion to withdraw as attorney of record for Plaintiff Paul
15 Chau [Doc. 30]. Attorneys’ are **ORDERED** to provide a copy of this order to Plaintiff,
16 who shall provide the Court with an address on or before **August 18, 2017**.

17 **IT IS SO ORDERED.**

18 Dated: August 8, 2017

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21 Hon. Thomas J. Whelan
22 United States District Judge
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