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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
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10 L. LEE BRIGHTWELL,  
11 Plaintiff,  
12 v.  
13 THE MCMILLAN LAW FIRM, APC,  
14 et al.,  
15 Defendants.

Case No.: 16-CV-1696 W (NLS)

**ORDER GRANTING EX PARTE  
APPLICATION TO WITHDRAW AS  
COUNSEL [DOC. 68]**

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17 Pending before the Court is an ex parte application<sup>1</sup> to withdraw as attorney of  
18 record for Plaintiff L. Lee Brightwell, filed by Joshua Heinlein of Dinsmore & Shohl  
19 LLP on September 29, 2017. [Doc. 68.] Despite service of the motion on all parties on  
20 September 29, 2017, no opposition has been filed. (*See Certificate of Service* [Doc. 68-  
21 2].)

22 “The grant or denial of an attorney’s motion to withdraw in a civil case is a matter  
23 addressed to the discretion of the trial court . . . .” Washington v. Sherwin Real Estate,  
24 Inc., 694 F.2d 1081, 1087 (7th Cir. 1982). Factors considered in evaluating the  
25 application include: “1) the reasons why withdrawal is sought; 2) the prejudice  
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<sup>1</sup> Mr. Heinlein styles the document as a motion. The Court interprets it as an ex parte application.

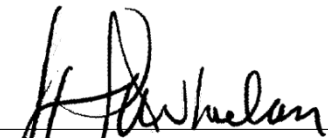
1 withdrawal may cause to other litigants; 3) the harm withdrawal might cause to the  
2 administration of justice; and 4) the degree to which withdrawal will delay the resolution  
3 of the case.” CE Resource, Inc. v Magellan Group, LLC, 2009 WL 3367489, at \*2 (E.D.  
4 Cal. Oct. 14, 2009) (citing Canandaigua Wine Co., Inc. v. Moldauer, 2009 WL 89141, at  
5 \*1 (E.D. Cal. Jan. 14, 2009)).

6 Given the procedural posture of this case, Mr. Heinlein’s withdrawal will not  
7 prejudice the litigants in this matter, harm the administration of justice, or delay  
8 resolution of the case. Ms. Brightwell will continue to be represented through Mr. Joseph  
9 Leventhal of Dinsmore & Shohl LLP. (*Heinlein Decl.* [Doc. 68-1] ¶ 3.) Ms. Brightwell  
10 agreed to Mr. Heinlein’s withdrawal. (*Id.* [Doc. 68-1] ¶ 5.)

11 For the foregoing reasons, the Court **GRANTS** the application to withdraw as  
12 counsel of record in this action for Plaintiff Brightwell. [Doc. 68.]

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14 **IT IS SO ORDERED.**

15 Dated: October 11, 2017

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18 Hon. Thomas J. Whelan  
United States District Judge