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

ELIZABETH NUNO, <i>et al.</i> ,  Plaintiffs,  v.  BMW OF NORTH AMERICA, LLC,  Defendant.
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Case No. 17-cv-01574-BAS-BLM  
**ORDER DENYING WITHOUT  
PREJUDICE MOTION TO  
WITHDRAW AS COUNSEL**  
**[ECF No. 16]**


Presently before the Court is a request filed by Ian Schuler to withdraw as counsel for Defendant BMW of North America, LLC. (ECF No. 16.) Counsel has not filed a proper motion to withdraw as an attorney under the Local Rules. Local Rule 83.3(f) requires that “[a] notice of motion to withdraw as attorney of record must be served on the adverse party and on the moving attorney’s client.” Civ. L.R. 83.3(f)(3)(a). The Rule also requires that a declaration pertaining to the service required under subsection (a) be filed. Civ. L.R. 83.3(f)(3)(b). Failure to either complete the required service or file the required declaration “will result in the denial of the motion.” *Id.* Here, counsel has failed to file a declaration of service of the motion on Plaintiffs and his client. The motion is subject to denial on this basis. Moreover, the Court observes that a motion to withdraw as an attorney is typically supported by more than a standardized form requesting withdrawal. Courts generally

1 consider certain factors when ruling on a motion to withdraw, including: (1) the  
2 reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other  
3 litigants; (3) the harm withdrawal might cause to the administration of justice; and  
4 (4) the degree to which withdrawal will delay the resolution of the case. *Curtis v.*  
5 *Illumination Arts, Inc.*, No. C12-0991JLR, 2014 WL 556010, at \*4 (W.D. Wash. Feb.  
6 12, 2014); *Deal v. Countrywide Home Loans*, No. C09-01643 SBA, 2010 WL  
7 3702459, at \*2 (N.D. Cal. Sept. 15, 2010). Counsel has not shed light on any of these  
8 factors.

9 For the foregoing reasons, the motion to withdraw is **DENIED WITHOUT**  
10 **PREJUDICE**. (ECF No. 16.) Counsel may file a new motion to withdraw that  
11 complies with S.D. Cal. Local Rule 83.3 and provides some basis to support the  
12 motion.

13 **IT IS SO ORDERED.**

14  
15 **DATED: May 18, 2018**

  
16 **Hon. Cynthia Bashant**  
17 **United States District Judge**