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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THE CHAMBERLAIN GROUP, INC.,
Plaintiff,
v.
NORTEK SECURITY & CONTROL
LLC f/k/a LINEAR LLC,
Defendant.

Case No.: 17-CV-2412 JLS (AGS)
**ORDER GRANTING MOTION TO
WITHDRAW**
(ECF No. 36)

Presently before the Court is Counsel Tara Clancy, David Simons, Caitlin Blanche and Kacy Dicke of K&L Gates LLP’s (“K&L Gates”) Motion to Withdraw as Counsel for Defendant Nortek Security & Control LLC, f/k/a Linear LLC. (“Withdrawal Mot.,” ECF No. 36.) After considering K&L Gates’s arguments and the law, the Court **GRANTS** the Motion to Withdraw as Counsel.

“An attorney may not withdraw as counsel except by leave of court, and the decision to grant or deny counsel’s motion to withdraw is committed to the discretion of the trial court.” *Beard v. Shuttermart of Cal., Inc.*, No. 07CV594WQH (NLS), 2008 WL 410694, at *2 (S.D. Cal. Feb. 13, 2008) (alterations, citations, and internal quotation marks omitted); *see also* Civ. L.R. 83.3(g)(3). “In ruling on a motion to withdraw as counsel, courts consider: (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal

1 may cause to other litigants; (3) the harm withdrawal might cause to the administration of
2 justice; and (4) the degree to which withdrawal will delay the resolution of the case.” *Leatt*
3 *Corp. v. Innovative Safety Tech., LLC*, No. 09-CV-1301-IEG (POR), 2010 WL 444708, at
4 *1 (S.D. Cal. Feb. 2, 2010) (citing *Beard*, 2008 WL 410694, at *2).

5 Pursuant to Civil Local Rule 83.4(b), each attorney “permitted to practice in this
6 court shall be familiar with and comply with the standards of professional conduct required
7 of members of the State Bar of California.” Civ. L.R. 83.4(b). In relevant part, California
8 Rule of Professional Conduct 3-700 provides:

9 **(A) In General.**

10 (1) If permission for termination of employment is required by the rules
11 of a tribunal, a member shall not withdraw from employment in a
12 proceeding before that tribunal without its permission.

13 (2) A member shall not withdraw from employment until the member
14 has taken reasonable steps to avoid reasonably foreseeable prejudice to
15 the rights of the client, including giving due notice to the client,
16 allowing time for employment of other counsel, complying with rule 3-
17 700(D) [concerning the return of client papers and property and the
refund of any advance fees not earned], and complying with applicable
laws and rules.

18 . . .

19 **(C) Permissive Withdrawal.**

20 . . . [A] member may not request permission to withdraw in matters pending
21 before a tribunal, and may not withdraw in other matters, unless such request
or such withdrawal is because:

22 . . .

23 (5) The client knowingly and freely assents to termination of the employment;

24 or

25 (6) The member believes in good faith, in a proceeding pending before a
26 tribunal, that the tribunal will find the existence of other good cause for
27 withdrawal.

28 Pursuant to the Southern District of California’s Civil Local Rules, “[a] notice of motion

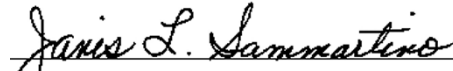
1 to withdraw as attorney of record must be served on the adverse party and on the moving
2 attorney's client." Civ. L.R. 83.3(f)(3)(a).

3 K&L Gates seeks to withdraw as counsel for Defendant. (Withdrawal Mot. 2.) K&L
4 Gates does not explain its reasons for withdrawing, but does notify the Court that counsel
5 from Perkins Coie LLP have filed appearances on behalf of Defendant. (*Id.*) The Court
6 agrees, (*see* ECF Nos. 32–35). K&L Gates also represents that it has served a notice of the
7 motion to withdraw as required by Civil Local Rule 83.3(g)(3)(a). (Declaration of Caitlin
8 C. Blanche, ECF No. 36-1, at 2.) The Court finds that Defendant retains counsel, there is
9 minimal likelihood of harm to administration of justice, and this withdrawal will not delay
10 resolution of the case.

11 Good cause appearing, the Court **GRANTS** K&L Gates's Motion to Withdraw as
12 Counsel, (ECF No. 36). The Clerk of Court **SHALL** update the docket to reflect the
13 withdrawal of K&L Gates as counsel for Defendant in this case.

14 **IT IS SO ORDERED.**

15 Dated: May 29, 2018


16 Hon. Janis L. Sammartino
17 United States District Judge
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