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2 **UNITED STATES DISTRICT COURT**  
3 **DISTRICT OF NEVADA**

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5  
6 VIVIAN RODRIGUES DA-SILVA,

7 Plaintiff,

8 vs.

9 SMITH'S FOOD & DRUG CENTERS, INC.,

10 Defendant.

2:12-cv-00595-GMN-VCF

**ORDER**

[Motion to Withdraw as Attorney (#16)]

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13 Before the Court is Plaintiff's Motion to Withdraw as Attorney (#16) on December 26, 2012.

14 The Court held a hearing on February 6, 2013.

15 **Relevant Background:**

16 Pursuant to the order granting the Second Stipulation and Order to Extend Time for Discovery  
17 (#13), discovery cut-off was extended to February 8, 2013. On December 13, 2012, Defendant filed the  
18 Motion to Dismiss or in the Alternative to Compel Discovery and Award Sanctions (#14), the response  
19 to the Motion to Dismiss was filed on December 21, 2012 (#15), and the reply in support of the Motion  
20 to Dismiss was filed on December 31, 2012 (#17). The Motion to Dismiss was referred to the  
21 undersigned for a Report and Recommendation. A minute order setting the Motion to Dismiss for a  
22 hearing on February 6, 2013 was entered on January 22, 2012 (#19). The hearing on the Motion to  
23 Dismiss was held on February 6, 2013 and the Report and Recommendation (#21) was entered shortly  
24 after the hearing on the same day.  
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1 Lewis Gazdaz, Esq., Afshin Tadayon, Esq., and the law firm of Gazda & Tadayon seek to  
2 withdraw as attorney of record for Plaintiff Vivian Rodrigues Da-Silva as, “[c]ommunication has broken  
3 down to where representation is impossible, communication cannot be restored to where Gazda &  
4 Tadayon can adequately represent the Plaintiff.” (#16).

5 **Discussion:**

6 Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the  
7 trial or any hearing in the case would result.” There is no delay of discovery as the cut-off date is  
8 February 8, 2013. No trial date has been entered for this matter and a hearing has been held on Motion  
9 to Dismiss or in the Alternative to Compel Discovery and Award Sanctions (#14). Defendant has not  
10 filed an opposition to the Motion to Withdraw As Counsel. Local Rule 7-2(d) states that “[t]he failure  
11 of an opposing party to file points and authorities in response to any motion shall constitute a consent to  
12 the granting of the motion.”


13 Having reviewed and considered the matter, and for good cause shown,

14 IT IS HEREBY ORDERED that Motion to Withdraw as Attorney (#16) is GRANTED.

15 IT IS FURTHER ORDERED that the Court Clerk mail a copy of this order and the Report and  
16 Recommendation (#21) to Plaintiff Vivian Rodrigues Da-Silva at the following address:  
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18 Vivian Rodrigues Da-Silva  
19 2110 Mariposa Avenue  
20 Las Vegas, Nevada 89104

21 DATED this 6th day of February, 2013.



22 CAM FERENBACH  
23 UNITED STATES MAGISTRATE JUDGE  
24  
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