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vs.

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

QUATRELA PATE, et al.,

Plaintiffs,

Case No. 2:12-cv-01377-GMN-PAL

## **ORDER**

(Mtn to Withdraw - Dkt. #15)

WAL-MART STORES, INC., et al.,

Defendants.

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #15) filed January 2, 2013. Ben J. Bingham seeks to withdraw as counsel of record for Plaintiffs Quatrela Pate and De'Jior Payne. De'Joir Payne is Ms. Pate's minor son, and she is his guardian ad litem in this litigation. The Motion, which is supported by an affidavit of counsel, represents that Ms. Pate sent counsel a letter terminating his services on behalf of herself and her son. Counsel also contends that continuing to represent the Plaintiffs would result in an unreasonable financial burden to counsel and that a "cooperative impasse" has arisen between he and Ms. Pate, so that counsel can no longer "ethically represent Plaintiffs due to the differences of opinion in the instant matter." Affidavit of Ben J. Bingham at ¶¶ 5-7.

Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." Plaintiffs' complaint was filed in state court and removed to this court on August 3, 2012. *See* Petition for Removal (Dkt. #1). Discovery closes on January 30, 2013. *See* Scheduling Order (Dkt. #9). Dispositive motions are due no later than March 1, 2013. *Id.* 

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

## **IT IS ORDERED:**

1. The Motion to Withdraw as Counsel of Record (Dkt. #15) is GRANTED.

2.	Plaintiffs shall have until February 14, 2013, in which to retain new counsel who shall
	file a notice of appearance in accordance with the Local Rules of Practice or to file a
	statement that they will proceed pro se (represent themselves).
3.	Failure to comply with this order may result in a recommendation to the District Judge
	for sanctions, including case-dispositive sanctions.
4.	The Clerk of Court shall serve a copy of this Order on Plaintiffs at:
	Quatrela Pate De'Jior Payne c/o Quatrela Pate, Guardian Ad Litem 837 E. Thompson Blvd. Ventura, CA 93001
Dated	this 14th day of January, 2013.
	PEGGY ALLEN UNITED STATES MAGISTRATE JUDGE
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