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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANDREA HERBERT,

Plaintiff,

v.

NEW CASTLE CORPORATION,

Defendant.

Case No. 2:17-cv-02410-APG-PAL

ORDER

(Mot WD Atty – ECF No. 11)

This matter is before the court on attorney Daniel R. Watkin’s Motion to Withdraw as Counsel of Record (ECF No. 11) for the plaintiff. The court has reviewed the motion and defendant’s Opposition (ECF No. 12). The motion represents that further representation of plaintiff would be contrary to the interests of both counsel and plaintiff based on recent privileged conversations between client and attorney. Mr. Watkins therefore seeks leave to withdraw as counsel of record.

Defendant opposes the motion and concludes that counsel filed the motion to withdraw because he “recognizes the frivolousness of Plaintiff’s claims.” Counsel for Defendant states he was in the process of drafting a Rule 11 letter and motion for sanctions as well as a meet and confer letter regarding overdue discovery responses when this motion to withdraw was filed. Defendant requests that the motion to withdraw be denied or set for oral argument or for a case management conference.

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

IT IS ORDERED:

1. Mr. Watkin’s Motion to Withdraw (ECF No. 11) is **GRANTED**.
2. The plaintiff shall have until **January 18, 2018** in which to either retain substitute counsel who shall make an appearance in accordance with the requirements of the

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Local Rules of Practice, or to file a notice with the court that she will be appearing in this matter *pro se*.


3. The Clerk of the Court shall serve the plaintiff with a copy of this order at his last known address:

Andrea Herbert
740 Fortacre St.
Henderson, NV 89002

4. A status and case management conference is set for **January 30, 2018 at 9:30 a.m.**
Plaintiff shall appear in person whether or not she has retained substitute counsel.

5. Plaintiff's failure to timely comply with this order by either obtaining substitute counsel, or filing a notice that she will be appearing in this matter *pro se*, and personally appearing at the hearing may result in the imposition of sanctions, which may include a recommendation to the District Judge that plaintiff's complaint be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

DATED this 18th day of December, 2017.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE