

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY



MARTIN LUTHER KING JR. FEDERAL BLDG. & U.S. COURTHOUSE  
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WILLIAM J. MARTINI  
JUDGE

LETTER ORDER

August 26, 2015

Nicholas A. Vytell, Esq.  
Joseph P. McNulty, Esq.  
Carroll McNulty & Kull LLC  
120 Mountain View Boulevard  
Basking Ridge, New Jersey 07920  
*(Attorneys for Defendant)*

RE: *Cevdet Aksut ve Ogullari Koll, Sti v. Cavusoglu*  
Civil Action No. 12-2899 (WJM)

Dear Counsel:

The Court is in receipt of your Motion to Withdraw as Counsel dated August 24, 2015 (ECF No. 87).

As you are aware, Local Rule 102.1 prohibits the substitution or withdrawal of counsel after a case has been set for trial except by leave of the Court. Moreover, Local Rule 103.1 requires counsel to abide by the New Jersey Rules of Professional Conduct (“RPC”), which state that an attorney must ensure that withdrawal will not have a “material adverse effect on the interests of the client.” RPC 1.16(b)(1). Counsel’s request to withdraw is brought less than a month before trial in this action is scheduled to begin. It is unlikely that the Defendant will be able to find replacement counsel so close to trial, and a delay would prejudice the other litigant and harm the administration of justice. *See Rusinow v. Kamara*, 920 F. Supp. 69, 71 (D.N.J. 1996) (finding that “[c]riteria such as the proximity to trial and the possibility for a client to obtain substitute counsel are also relevant considerations” when determining whether to grant attorney leave to withdraw). Consequently, Counsel’s Motion to Withdraw is **DENIED**.

The Court has set a trial date for September 14, 2015, and the Court expects the parties to abide by the proposed *in limine* motion briefing schedule filed on August 17, 2015 (ECF No. 85).

**SO ORDERED.**

/s/ William J. Martini  
**WILLIAM J. MARTINI, U.S.D.J.**

cc: Steven A. Soulious, Esq. (*via ECF only*)