

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOS LOBOS RENEWABLE POWER, LLC, and
LIGHTNING DOCK GEOTHERMAL HI-01, LLC,

Plaintiffs,

No: 2:15-cv-00547-MV-KRS

v.

AMERICULTURE, INC., a New Mexico
for profit corporation, and DAMON SEAWRIGHT,
individually and as an officer and director of
Americulture, Inc.,

Defendants.

ORDER GRANTING MOTION TO WITHDRAW

THIS MATTER comes before the Court on Defendants' motion to allow their attorney to withdraw. (Doc. 108). Although Defendants have new attorneys that have already entered the case to take over representation, Plaintiffs oppose. (Doc. 111). Plaintiffs claim that Defendants have not stated with particularity the grounds for seeking the order as Fed. R. Civ. P. 7(b)(1)(B) requires. (*Id.*). Plaintiffs further express concern that the motion to withdraw was interposed to avoid responding to a settlement demand in advance of a now vacated settlement conference. (*Id.*). Finally, Plaintiffs point out that defense counsel has not moved to withdraw from another case that the attorneys share. (*Id.*). The Court has reviewed the parties' submissions and concludes defense counsel has provided good cause to withdraw.

The Court conducted a status conference during which defense counsel explained his need to withdraw. The Court declines to recount those reasons here and has no reason to doubt the legitimacy of counsel's representations about that need. Further, defense counsel explained in reply that he has not moved to withdraw in the other matter because that case is not moving as

quickly as this one. (Doc. 112). Finally, there is no discernable prejudice to Defendants. While the Court acknowledges Plaintiffs' desire to have a settlement conference, receive a response to an outstanding settlement demand, and/or prepare for trial, there is no trial date set.

Significantly, the Court vacated the settlement conference to allow Defendants' new attorneys to get up to speed. Any modest delay that withdrawal and a change in representation will bring is not reason to deny relief.

IT IS, THEREFORE, ORDERED that Defendants' motion to withdraw (Doc. 108) is **GRANTED**. Mr. Lakins is hereby withdrawn as counsel of record for Defendants.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE