

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

STATE OF NEW MEXICO *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 KWR/KK
Rio Chama Adjudication

Rio Brazos, Section 7
Subfile No.: CHRB-001-0002

ORDER DENYING SECOND MOTION TO WITHDRAW

JAlbright Law, LLC filed a notice of withdrawal of its representation as counsel for Defendant Brazos Mutual Domestic Water Consumers Association ("Brazos"). *See* Doc. 11612, filed September 15, 2022 ("Notice"). The Court notified JAlbright Law, LLC that the Notice does not indicate the consent of the client, the appointment of substitute counsel, the client's address and telephone number, and does not provide notice that the entity can appear only with an attorney as required by D.N.M.LR-Civ. 83.8(a) and (c) and ordered JAlbright Law, LLC to show cause why the Court should not strike the Notice for failure to comply with the District of New Mexico's Local Rules of Civil Procedure governing withdrawal of appearance. *See* Doc. 11613, filed September 15, 2022.

JAlbright Law, LLC, subsequently filed a Motion to Withdraw representation of Defendant Brazos. *See* Doc. 11616, filed September 28, 2022 ("Motion to Withdraw"). The Court denied the Motion to Withdraw without prejudice because it did not include a notice, as required by Local Rule 83.8(c), that Defendant Brazos can appear in this case only with an attorney. *See* Doc. 11618, filed October 24, 2022 ("Order"). The Court notified JAlbright Law, LLC that it may file another motion to withdraw which includes the following Rule 83.8(c) notice:

A corporation, partnership of business entity other than a natural person can appear only with an attorney. Absent entry of appearance by a new attorney, any filings made by the corporation, partnership or business entity other than a natural person may be stricken and default judgment or other sanctions imposed.

See Order at 2.

JAlbright Law, LLC filed a Second Motion to Withdraw which states:

The Order denying this withdrawal states that JAlbright Law, LLC did not include a notice required by Local Rule 83.8(c) to Brazos with the required information. However, concurrently with the filing of its previous Motion to Withdraw of September 28, 2022, a letter was sent to Brazos by JAlbright Law, LLC with a copy of the Motion to Withdraw Representation and information regarding the Withdrawal ... a follow up e-mail was sent to [Brazos President] Mr. Cooke with the information as attached in Attachment B, which includes [sic] the language from Rule 83.8(c) as required by the Court ... As of the date of this filing, the Brazos website notes that Ms. Amanda Urioste will be assuming the role of President effective November 13, 2022. Thus, pursuant to D.N.M.LR-Civ. 83.8 (b) this Motion will be served on the following based on the latest information publicly available to JAlbright Law, LLC

Motion to Withdraw Representation for Brazos Mutual Domestic Water Consumers Association Pursuant to Courts [sic] Order Denying Motion to Withdraw of October 24, 2022 at 1-2, Doc. 11619, filed November 4, 2022 ("Second Motion to Withdraw").¹ The "follow up e-mail" attached to the Second Motion to Withdraw states:

attached please find curtesy [sic] copies of the following documents:

...

3. A copy of Rule 83.8 relating to withdrawal of counsel. One note from Mr. Albright on this, we filed our withdrawal pursuant to 83.8(B), and Brazos may arguably fall into the category of 83.8(C) but that is a decision to be discussed with Brazos' new counsel. We highlighted the relevant portion of the Rule.

...

The information is provided as a professional curtesy [sic] only....

Second Motion to Withdraw at 9.

¹ The caption of the Second Motion to Withdraw states "Case No.: 69cv07941 MV-LFG." The correct case number is 69cv07941 KWR-KK.

The Court denies JAlbright Law, LLC's Second Motion to Withdraw. Local Rule 83.8(b) states that when a motion to withdraw is contested, the attorney must file and serve the motion on all parties including the client and give notice that objections must be served and filed within 14 days and that failure to object within this time constitutes consent to grant the motion. *See* D.N.M.LR-Civ. 83.8(b). Local Rule 83.8(b) does not negate the requirement in Local Rule 83.8(c) to notify the business entity that it can appear only with an attorney. While JAlbright Law, LLC's follow-up e-mail to Brazos President Cooke referred to Local Rule 83.8(c) and attached a copy of Local Rule 83.8(c), the Second Motion to Withdraw does not contain the notice required by Local Rule 83.8(c). New counsel for Brazos, if any, has not entered an appearance on behalf of Brazos.

IT IS ORDERED that JAlbright Law, LLC's Motion to Withdraw Representation for Brazos Mutual Domestic Water Consumers Association Pursuant to Courts [sic] Order Denying Motion to Withdraw of October 24, 2022, Doc. 11619, filed November 4, 2022, is **DENIED without prejudice.**



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE