UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Mary Saavedra, Plaintiff, v. Riddell Mackey, et al., Defendants.	No. 2:21-cv-01587-KJM-JDP ORDER

Attorney David Serrano and the law firm of Gordon Rees Scully Mansukhani, LLP move to withdraw as counsel for defendant Jeffrey DeGroot. ECF No. 35. Communications between Serrano and DeGroot have broken down, and Serrano believes that continuing the representation may result in violations of the Rules of Professional Conduct. Serrano Decl. ¶ 4, ECF No. 35-2. Serrano also cites potential conflicts of interest. *See id.* Plaintiff Mary Saavedra initially opposed the motion, ECF No. 36, but upon receipt of further information from Serrano, and after his reply was filed, ECF No. 38, Saavedra withdrew her opposition, ECF No. 41.

If withdrawal would leave a client in propria persona, as it would in this case, Local Rule 182(d) requires the withdrawing person to seek leave of court, file a formal motion, and provide notice of the withdrawal to the client and all other parties who have appeared. The attorney must provide an affidavit stating the efforts made to notify the client of the motion to withdraw, L.R. 182(d), and "take[ ] reasonable steps to avoid reasonably foreseeable prejudice to the rights

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

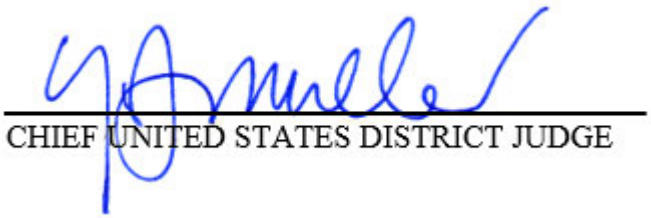
of the client." Cal. R. Prof. Conduct 1.16(d). The court considers whether there is good cause for withdrawal. *Johnson v. Cal. Dep't of Corr. & Rehab.*, No. 09-502, 2009 WL 2447705, at *1 (E.D. Cal. Aug. 7, 2009). The court weighs possible prejudices to the client and other litigants, the administration of justice, and any possible delay. *Deal v. Countrywide Home Loans*, No. 09-01643, 2010 WL 3702459, at *2 (N.D. Cal. Sept. 15, 2010) (citation omitted). The decision to grant or deny a motion to withdraw is a matter of discretion. *United States v. Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009).

Serrano has complied with the local rules and has shown there is good cause for withdrawal. An attorney may withdraw under the California Rules of Professional Conduct if the representation will likely result in violation of those rules or the State Bar Act. Cal. R. Prof'l Conduct 1.16(a)(2), (b)(9). Withdrawal will not unduly delay this action. Discovery is not scheduled to close for several more months. *See* Mins., ECF No. 30. Serrano has also undertaken appropriate measures to ensure opposing counsel and DeGroot have received discovery materials and other information about the case. *See* Reply at 3.

The motion to withdraw (ECF No. 35) is **granted**.

IT IS SO ORDERED.

DATED: March 30, 2023.



CHIEF UNITED STATES DISTRICT JUDGE