

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JANE DOE,

Plaintiff,

v.

CISSY STEELE, et al.,

Defendants.

Case No. 20-cv-1818-MMA (MSB)

**ORDER RE: DEFENSE COUNSEL'S
MOTION TO WITHDRAW**

[Doc. No. 48]

Counsel for Defendant Cissy Steele ("Steele"), Douglas M. Wade ("Counsel"), moves to withdraw as counsel of record. *See* Doc. No. 48. The Civil Local Rules provide the following procedure for attorneys seeking to withdraw:

a) A motion to withdraw as attorney of record must be served on the adverse party and on the moving attorney's client.

b) A declaration pertaining to such service must be filed. Failure to make serve [sic] as required by this section or to file the required declaration of service will result in a denial of the motion.

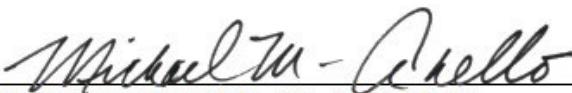
CivLR 83.3.f.3. Counsel declares that he communicated with Steele the need for her to retain an attorney with criminal law experience as well as noted her failure to pay fees

1 and costs under their agreement. *See* Doc. No. 48 at 2, 4; Wade Decl., Doc. No. 48-2
2 ¶¶ 9, 11.¹ In particular, Counsel declares that “Steele has been advised that the firm
3 needs to withdraw as counsel” and “[s]he has indicated that she has been in contact with a
4 possible substitute attorney.” Wade Decl., Doc. No. 48-2 ¶ 9. Despite Counsel declaring
5 that he has “advised” Steele of the need for him and his firm to withdraw, Counsel does
6 not state in his declaration that he has *served* Steele in accordance with Civil Local Rule
7 83.3.f.3. The failure to serve Steele and provide a declaration attesting to the service
8 “will result in a denial of the motion.” CivLR 83.3.f.3.b.

9 To cure this defect, the Court **ORDERS** Counsel to serve the motion—and this
10 Order—on Steele and then file an amended declaration pertaining to such service on or
11 before May 12, 2021. The Court **EXTENDS** the deadline for Steele to file any response
12 to Counsel’s motion to on or before May 26, 2021. The hearing date for the motion
13 remains unchanged. Thereafter, the Court will issue a ruling on the pending motion to
14 withdraw in due course.

15 **IT IS SO ORDERED.**

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17 Dated: May 6, 2021

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19 HON. MICHAEL M. ANELLO
20 United States District Judge
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¹ All citations to electronically filed documents refer to the pagination assigned by the CM/ECF system.