

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Patrick Runyon v. FCA US, LLC, and Does 1 through 10, inclusive

Runyon · No. 24-cv-01843-H-VET · Decided March 6, 2025

SUMMARY

The United States District Court for the Southern District of California granted Strategic Legal Practices, APC’s motion to withdraw as counsel for Plaintiff Patrick Runyon. The court found that counsel’s inability to communicate with the plaintiff justified withdrawal and ordered counsel to provide updated contact information and related materials, while scheduling a telephonic status conference.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Marilyn L. Huff
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 6, 2025
DOCKET	24-cv-01843-H-VET
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for leave to withdraw from representation in a pending civil action. The district court granted the motion and imposed related notice and appearance requirements.
STANDARD OF REVIEW	A motion to withdraw as counsel is committed to the discretion of the trial court.
PRECEDENTIAL VALUE	Unknown; district court order granting counsel's motion to withdraw

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- professional responsibility

QUESTIONS PRESENTED

1. Whether counsel should be permitted to withdraw when the attorney-client relationship had become unreasonably difficult because counsel could not communicate with the client.
2. Whether the motion to withdraw complied with the Southern District of California's service and declaration requirements.
3. What conditions should accompany counsel's withdrawal to protect the plaintiff and the administration of justice.

HOLDINGS

1. In federal court, an attorney may withdraw as counsel only with leave of court, and the court may grant or deny withdrawal in its discretion. Withdrawal was warranted because counsel's inability to communicate with the client made continued representation impossible or unreasonably difficult.
2. The motion complied with Southern District of California Civil Local Rule 83.3(f)(3) because counsel served the adverse party and the client and attached a declaration describing service.
3. Counsel was required to provide the court with the plaintiff's contact information and to send the plaintiff a copy of the order and information concerning proceeding pro se and electronic filing.

KEY QUOTATIONS

"In federal court, '[a]n attorney may not withdraw as counsel except by leave of court, and the decision to grant or deny counsel's motion to withdraw is committed to the discretion of the trial court.'" (at 1)

"This is a sufficient reason to permit SLP to withdraw as counsel for Plaintiff Runyon." (at 2)

FACTUAL BACKGROUND

Strategic Legal Practices, APC was unable to establish contact with Plaintiff Patrick Runyon after December 3, 2024, despite numerous telephone and email attempts. The lack of communication forced counsel to seek multiple continuances of the required Early Neutral Evaluation and Case Management Conference. The action was in its early stages, and Defendant FCA US, LLC did not oppose the withdrawal.

PROCEDURAL HISTORY

Strategic Legal Practices, APC, counsel for Plaintiff Patrick Runyon, filed a motion to withdraw on February 7, 2025. Defendant FCA US, LLC did not file a timely response. The district court granted the motion, terminated the identified attorneys as counsel of record, ordered counsel to provide contact information and documents to the plaintiff, and scheduled a telephonic status conference.

DISPOSITION

other

CASES CITED

- Westhoff Vertriebsges mbH v. Berg, No. 22-CV-0938-BAS-SBC, 2024 WL 947803, at *1 (S.D. Cal. Feb. 14, 2024)
- In re Saber, No. 21-55913, 2022 WL 11592836, at *1 (9th Cir. Oct. 20, 2022)
- Williams v. County of Fresno, 562 F. Supp. 3d 1032, 1035 (E.D. Cal. 2021)
- Stanz v. Brown, No. 3:22-CV-01164-GPC-JLB, 2024 WL 4267191, at *1 n.1 (S.D. Cal. Sept. 23, 2024)
- Suarez v. Del Toro, No. 22-CV-0021-GPC-BLM, 2023 WL 149105, at *2 (S.D. Cal. Jan. 10, 2023)
- Radcliffe v. Hernandez, 818 F.3d 537, 541 (9th Cir. 2016)

OPINION

Runyon v. FCA US, LLC

PER CURIAM.

1 2 3 4 5 6 7

UNITED STATES DISTRICT COURT

8

SOUTHERN DISTRICT OF CALIFORNIA

9 10 PATRICK RUNYON, Case No.: 24-cv-01843-H-VET 11 Plaintiff,

12 ORDER GRANTING MOTION TO

v. WITHDRAW AS COUNSEL FOR

13

PLAINTIFF PATRICK RUNYON

FCA US, LLC, and DOES 1 through 10, 14 inclusive, 15 Defendants. 16 [Doc. No. 16.] 17 On February 7, 2025, Strategic Legal Practices, APC (“SLP”), counsel for Plaintiff 18 Patrick Runyon in this action, filed a motion to withdraw as counsel for Plaintiff Runyon. 19 (Doc. No. 16.) Defendant FCA US, LLC did not file a timely response to SLP’s motion. 20 See Civil Local Rule 7.1(e)(2). For the reasons below, the Court grants SLP’s motion to 21 withdraw. 22 Rule 1.16(b) of the ABA rules governs permissive withdrawals of counsel and 23 provides that “a lawyer may withdraw from representing a client if . . . the representation 24 will result in an unreasonable financial burden on the lawyer or has been rendered 25 unreasonably difficult by the client.”¹ Model Rules of Pro. Conduct r. 1.16(b)(6) (Am. 26 27 28 1 SPC’s motion cites to the California Rules of Professional Conduct, not the ABA rules. (Doc. No. 16 at 1 Bar. Ass’n 2020). Rule 1.16(c) further provides: “A lawyer must comply with applicable 2 law requiring notice to or permission of a tribunal when terminating a representation.” Id. 3 r. 1.16(c). 4 “In federal court, ‘[a]n attorney may not withdraw as counsel except by leave of 5 court, and the decision to grant or deny counsel’s motion to withdraw is committed to the 6 discretion of the trial court.’” Westhoff Vertriebsges mbH v. Berg, No. 22-CV-0938-BAS- 7 SBC, 2024 WL 947803, at *1 (S.D. Cal. Feb. 14, 2024). “To determine whether counsel 8 should be allowed to withdraw, courts consider ‘(1) the reasons why withdrawal is sought; 9 (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might 10 cause to the administration of justice; and (4) the degree to

which withdrawal will delay the resolution of the case.’” In re Saber, No. 21-55913, 2022 WL 11592836, at *1 (9th Cir. Oct. 20, 2022) (quoting Williams v. Cnty. of Fresno, 562 F. Supp. 3d 1032, 1035 (E.D.

Cal. 2021)). Under the Court’s Civil Local Rules, a motion to withdraw must: (1) be served on the adverse party and moving attorney’s client; and (2) include a declaration pertaining to service of the motion. S.D. Cal. Civ. L.R. 83.3(f)(3). “Failure to make service as required . . . or to file the required declaration of service will result in a denial of the motion.” Id. As an initial matter, SLP’s motion to withdraw complies with the Court’s Civil Local Rules. SLP attached a declaration to its motion stating that Defendant FCA US, LLC was served with the motion via the Court’s CM/ECF electronic filing system and Plaintiff Runyon was served with the motion to withdraw via email and express mail. (See Doc.

No. 16, Tirmizi Decl. ¶ 8.) This is sufficient to comply with Civil Local Rule 83.3(f)(3).

Turning to the merits of the motion, SLP has provided the Court with a declaration from attorney Rabiya Tirmizi stating that SLP has not been able to establish contact with California. See Stanz v. Brown, No. 3:22-CV-01164-GPC-JLB, 2024 WL 4267191, at *1 n.1 (S.D. Cal. 27 Sept. 23, 2024); Suarez v. Del Toro, No. 22-CV-0021-GPC-BLM, 2023 WL 149105, at *2 (S.D. Cal. Jan. 28 10, 2023); see also Radcliffe v. Hernandez, 818 F.3d 537, 541 (9th Cir. 2016) (“[T]he Ninth Circuit refers to Plaintiff Runyon since December 3, 2024, despite numerous attempts via phone and email.”) (See Doc. No. 16, Tirmizi Decl. ¶¶ 2, 7.) SLP’s inability to communicate with its client has forced it to seek multiple continuances for the required Early Neutral Evaluation and Case Management Conference scheduled in this action. (See Doc. No. 16 at 5–6; Doc.

Nos. 8, 12.) SLP asserts that its inability to communicate with its client makes it

“impossible to continue representing Plaintiff.” (Doc. No. 16 at 6.) This is a sufficient reason to permit SLP to withdraw as counsel for Plaintiff Runyon. See Model Rules of Pro. Conduct r. 1.16(b)(6); see also Cal. Rules of Pro. Conduct r. 1.16(b)(4)–(5). Defendant FCA US, LLC, did not file a response to SLP’s motion to withdraw, so it does not appear that permitting the withdrawal would harm Defendant. And, considering that this case is in its early stages, the withdrawal will not unnecessarily delay resolution of this case or harm the administration of justice. For the reasons above, the Court grants SLP’s motion to withdraw. Strategic Legal Practices, APC—including attorneys Elizabeth LaRocque, Rabiya Tirmizi, Tionna Carvalho, and Sanam Vaziri—is withdrawn as counsel of record for Plaintiff Patrick Runyon in this action. The Court orders the Clerk of Court to terminate Ms. LaRoque, Ms. Tirmizi, Ms. Carvalho, and Ms. Vaziri as counsel of record for Plaintiff Runyon from the CM/ECF docket. SLP must file a notice providing the Court with Plaintiff Runyon’s phone number, email address, and last known physical mailing address within seven (7) days from the date of this order. In addition, within seven (7) days from the date this order, SPC must provide Plaintiff Runyon via mail and email with: (1) a copy of this order and (2) the following links along with

an advisement that if he decides to represent himself and 24 proceed pro se in this civil action, he must file a motion for leave to electronically file (e- 25 file) documents in order to electronically file documents in this civil action. See 26 <https://www.casd.uscourts.gov/Prose/Prose-FilingInfo.aspx>; 27 <https://www.casd.uscourts.gov/ProSe.aspx> 28 1 The Court schedules a telephonic status conference for Monday, April 7, 2025 at 2 ||10:30 a.m. SLP must appear at the status conference. The Court will vacate the status 3 ||conference if SPC files a declaration beforehand stating that SPC has satisfied all the 4 || requirements set forth above. 5 IT IS SO ORDERED. 6 || DATED: March 6, 2025 || | ul | | | MARILYN 2. HUFF, Distri ge
8 UNITED STATES DISTRICT COURT
9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28