

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)

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