

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lorena Cherpan v. City of Fairfield, et al.

Cherpan · No. 2:23-cv-02100-TLN-CSK · Decided May 28, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Plaintiff Lorena Cherpan’s counsel’s motion to withdraw based on an irreconcilable conflict of interest. The court found that counsel satisfied the applicable local-rule requirements and that withdrawal would cause little prejudice or delay. Plaintiff was left representing herself, and the case was referred to the assigned magistrate judge for all purposes except the pretrial conference and trial.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 28, 2025
DOCKET	2:23-cv-02100-TLN-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel filed a noticed motion to withdraw from representation. Defendants did not oppose the motion.
STANDARD OF REVIEW	The decision whether to grant or deny a motion to withdraw is reviewed under the court's discretion.
PRECEDENTIAL VALUE	Unknown
PARTIES	Lorena Cherpan v. City of Fairfield, et al.

TOPICS

civil procedure

PRACTICE AREAS

civil procedure legal ethics attorney withdrawal

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel should be permitted to withdraw under Eastern District of California Local Rule 182(d) and the California Rules of Professional Conduct.
2. Whether withdrawal would prejudice Plaintiff or the other litigants or otherwise harm the administration of justice.

HOLDINGS

1. The court may grant a motion to withdraw when counsel satisfies Eastern District of California Local Rule 182(d), establishes that withdrawal is proper under the California Rules of Professional Conduct, and demonstrates good cause, including an irreconcilable conflict of interest.
2. Withdrawal is appropriate where the risk of prejudice to the client and other litigants is low and the court identifies no resulting harm to the administration of justice or possible delay.

KEY QUOTATIONS

“The decision to grant or deny a motion to withdraw is within a court’s discretion.” (at 1)

“Accordingly, there is good cause to allow Plaintiff’s counsel to withdraw.” (at 2)

FACTUAL BACKGROUND

Plaintiff's counsel informed Plaintiff of the intent to withdraw and provided Plaintiff's last known address. Counsel represented that an irreconcilable conflict of interest prevented counsel from properly litigating the case. The case was in its early stages, with no pending hearings scheduled, and the court found little risk of prejudice, delay, or harm to the administration of justice.

PROCEDURAL HISTORY

The action was pending in the Eastern District of California at an early stage of litigation. Plaintiff's counsel moved to withdraw, represented that an irreconcilable conflict of interest existed, and submitted the notice and address information required by the local rule. The court granted the motion, left Plaintiff proceeding in propria persona, and referred the case to the assigned magistrate judge for all purposes except the pretrial conference and trial.

DISPOSITION

other

CASES CITED

- McNally v. Eye Dog Found. for the Blind, Inc., No. 09-cv-AWI-SKO-01174, 2011 WL 1087117, at *1 (E.D. Cal. Mar. 24, 2011)
- Deal v. Countrywide Home Loans, No. 09-cv-01643-SBA, 2010 WL 3702459, at *2 (N.D. Cal. Sept. 15, 2010)
- CE Res., Inc. v. Magellan Group, LLC, No. 08-cv-02999-MCE-KJM, 2009 WL 3367489, at *2 (E.D. Cal. Oct. 14, 2009)

- Beard v. Shuttermart of Cal., Inc., No. 07-cv-00594-WQH-NLS, 2008 WL 410694, at *2 (S.D. Cal. Feb. 13, 2008)

OPINION

(PS) Cherpan v. City of Fairfield

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 LORENA CHERPAN, No. 2:23-cv-02100-TLN-CSK

12 Plaintiff, 13 v. ORDER 14 CITY OF FAIRFIELD, et al., 15 Defendants. 16 17 This matter is
before the Court on a Motion to Withdraw filed by Pointer & Buelna, LLP 18 (“P&B”) and Nold
Law, counsel for Plaintiff Lorena Cherpan (“Plaintiff”). (ECF No. 31.) 19 Defendants did not file
an opposition. For the reasons set forth below, the Court GRANTS the 20 motion. 21 The Local
Rules of this district require an attorney who would withdraw and leave his or 22 her client
without representation to obtain leave of court upon a noticed motion. E.D. Cal. L.R. 23 182(d).
Local Rule 182(d) also requires an attorney to provide notice to the client and all other 24 parties
who have appeared, and an affidavit stating the current or last known address of the client. 25 Id.
Finally, to comply with Local Rule 182(d), the attorney must conform to the requirements of 26
the California Rules of Professional Conduct. Id. 27 / / / 28 1 The decision to grant or deny a
motion to withdraw is within a court’s discretion. 2 McNally v. Eye Dog Found. for the Blind,
Inc., No. 09-cv-AWI-SKO-01174, 2011 WL 1087117, 3 at *1 (E.D. Cal. Mar. 24, 2011). District
courts within this circuit have considered several factors 4 when evaluating a motion to withdraw,
including the reason for withdrawal, prejudice to the 5 client, prejudice to the other litigants, harm
to the administration of justice, and possible delay. 6 See, e.g., Deal v. Countrywide Home Loans,
No. 09-cv-01643-SBA, 2010 WL 3702459, at *2 7 (N.D. Cal. Sept. 15, 2010); CE Res., Inc. v.
Magellan Group, LLC, No. 08-cv-02999-MCE-KJM, 8 2009 WL 3367489, at *2 (E.D. Cal. Oct.
14, 2009); Beard v. Shuttermart of Cal., Inc., No. 07-cv- 9 00594-WQH-NLS, 2008 WL 410694,
at *2 (S.D. Cal. Feb. 13, 2008). 10 In the instant case, Plaintiff’s counsel satisfied Local Rule
182(d) by filing a declaration 11 that it informed Plaintiff of its intent to withdraw and by
providing the Court with Plaintiff’s last 12 known address. (ECF No. 31 at 2; ECF No.38.)
Plaintiff’s counsel also established withdrawal is 13 proper under the California Rules of
Professional Conduct. More specifically, California Rule of 14 Professional Conduct 1.16(a)(2)
states an attorney may withdraw from representing a client if the 15 lawyers knows or reasonably
should know that the representation will result in a violation of the 16 California Rules of
Professional Conduct or of the State Bar Act. California Rule of Professional
17 Conduct 1.7 prohibits the representation of a client if the representation is directly adverse to

18 another client. Plaintiff's counsel represents that an irreconcilable conflict of interest exists that
19 prevents and interferes with Plaintiff's counsel ability to properly litigate Plaintiff's case. (ECF
20 No. 31 at 4.) Accordingly, there is good cause to allow Plaintiff's counsel to withdraw.
21 The Court also finds there is a low risk of prejudice to Plaintiff and the other litigants if 22 this
motion is granted as there are no pending hearings scheduled and this case is in the early 23 stages
of litigation. Lastly, the Court cannot identify any harm to the administration of justice or 24
possible delay that would result from granting the motion to withdraw. 25 /// 26 /// 27 /// 28 /// 1
For the foregoing reasons, the Court hereby GRANTS the Motion to Withdraw (ECF No. 2 31),
leaving Plaintiff in Pro Per. This case is REFERRED to the assigned magistrate judge for all 3
purposes, exclusive of the pretrial conference and trial. See Local Rule 302(c)(21). The Clerk of 4
Court is directed to serve this Order on Plaintiff at 2212 Silver Fox Circle, Fairfield, California 5
94534. 6 IT IS SO ORDERED. 7 Date: May 27, 2025 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
23 24 25 26 27 28