

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)

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