

**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

OPINION

1 2 3 4 5 6 7 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