

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Peter A. Grandpre v. Marlin Gusman et al.

Grandpre · No. No. 22-1923 · Decided January 28, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Plaintiff Peter A. Grandpre’s ex parte motion to withdraw Timothy B. Holder as counsel. The court found that the motion did not comply with Local Rule 83.2.11 and that withdrawal shortly before the pretrial conference and jury trial could prejudice the plaintiff. The court also ordered counsel to appear by telephone for a February 4, 2026 settlement conference.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Eva J. Dossier
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 28, 2026
DOCKET	No. 22-1923
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Plaintiff's ex parte motion to withdraw Timothy B. Holder as counsel during pending civil litigation shortly before the pretrial conference and jury trial.
STANDARD OF REVIEW	A district court's decision concerning attorney withdrawal is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Unknown

TOPICS

civil procedure

PRACTICE AREAS

civil procedure legal ethics attorney withdrawal

QUESTIONS PRESENTED

1. Whether plaintiff's counsel should be permitted to withdraw from representation.
2. Whether the motion satisfied the Eastern District of Louisiana's procedural requirements and established good cause and reasonable notice for withdrawal.

HOLDINGS

1. An attorney may withdraw only with leave of court, upon a showing of good cause and reasonable notice to the client, and subject to the court's obligation to prevent disruption of the litigation.
2. The motion to withdraw was properly denied because it failed to substitute counsel, provide the required certificate of service, or include an affidavit explaining why service had not been made.

KEY QUOTATIONS

“An attorney may withdraw from representation only upon leave of the court and a showing of good cause and reasonable notice to the client.” (at 1)

“The matter of attorney withdrawal is entrusted to the sound discretion of the court and will be overturned on appeal only for an abuse of that discretion.” (at 1)

FACTUAL BACKGROUND

Plaintiff sought to withdraw his attorney shortly before a scheduled pretrial conference and jury trial. The motion did not substitute new counsel, include the required certificate of service, or provide an affidavit explaining why service had not been made. Counsel asserted a fundamental difference in how to proceed, but the court found that rationale inapplicable because plaintiff was not defending the case.

PROCEDURAL HISTORY

Peter A. Grandpre moved ex parte to withdraw his attorney. The United States District Court for the Eastern District of Louisiana denied the motion because it failed to comply with the court's local withdrawal procedures, did not establish good cause or reasonable notice, and threatened prejudice to the plaintiff given the impending pretrial conference and trial.

DISPOSITION

other

CASES CITED

- Matter of Wynn, 889 F.2d 644, 646 (5th Cir. 1989)
- Gowdy v. Marine Spill Response Corp., 925 F.3d 200, 204 (5th Cir. 2019)
- Broughten v. Voss, 634 F.2d 880, 882–83 (5th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA PETER A. GRANDPRE CIVIL ACTION VERSUS NO. 22-1923 MARLIN GUSMAN ET AL. DIVISION (3) ORDER AND REASONS Before the Court is Plaintiff's Ex Parte Motion to Withdraw Timothy B. Holder as Attorney by Peter A. Grandpre (R. Doc. 78).

The motion is denied for the following reasons. "An attorney may withdraw from representation only upon leave of the court and a showing of good cause and reasonable notice to the client." *Matter of Wynn*, 889 F.2d 644, 646 (5th Cir. 1989). "The matter of attorney withdrawal is entrusted to the sound discretion of the court and will be overturned on appeal only for an abuse of that discretion." *Gowdy v. Marine Spill Response Corp.*, 925 F.3d 200, 204 (5th Cir.

2019) (internal citations and quotations omitted). It is incumbent on the court to assure that the prosecution of the lawsuit before it is not disrupted by the withdrawal of counsel, and that the withdrawal of counsel is for good cause. *Broughten v. Voss*, 634 F.2d 880, 882–83 (5th Cir. 1981) (internal citations omitted). Local Rule 83.2.11 provides for the procedure to withdraw: Counsel of record may obtain permission only upon joint motion (of current counsel of record and new counsel of record) to substitute counsel or upon a written motion served on opposing counsel and the client.

If other counsel is not thereby substituted, the motion to withdraw must contain the present address of the client and the client's 1 telephone number if the client can be reached by telephone. The motion must be accompanied by a certificate of service, including a statement that the client has been notified of all deadlines and pending court appearances, served on both the client by certified mail and opposing counsel, or an affidavit stating why service has not been made.

The Eastern District of Louisiana adopts the Rules of Professional Conduct of the Louisiana State Bar Association. See LR 83.2.3. Pursuant to Louisiana Rule of Professional Conduct 1.1.16(b), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client. Plaintiff's motion to withdraw does not comply with the Local Rules.

In his motion, Plaintiff fails to substitute counsel, attach a certificate of service on Peter A. Grandpre and opposing counsel, or include an affidavit stating why service has not been made.¹ Moreover, withdrawing at this late stage of litigation could prejudice Plaintiff.

The pretrial conference is less than two weeks away² and the jury trial is less than six weeks away.³ Plaintiff's counsel cites a fundamental difference in how to proceed in the defense of the matter as good cause to withdraw.⁴ But Plaintiff is not defending the case.

Thus, Plaintiff's counsel's argument that there is good cause to withdraw fails. Moreover, there has been no showing of reasonable notice—particularly given 1 R. Doc. 78. 2 R. Docs. 61, 78. 3 Id. 4

R. Doc. 78 at 1. 2 counsel's failure to comply with the Local Rules, the age of the litigation, and the nearness of the trial date.

Accordingly, IT IS ORDERED that the Motion (R. Doc. 78) is DENIED. IT IS FURTHER ORDERED that Plaintiffs counsel Timothy B. Holden appear by telephone for the settlement conference before the Honorable Michael B. North on February 4, 2026, at 10:00 a.m. New Orleans, Louisiana, this 28th day of January, 2026. de J. DOSSIER UNITED STATES MAGISTRATE JUDGE