

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Rebecca Bamberger Works, LLC v. Bamberger

Bamberger · No. 24-CV-706 JLS (DDL) · Decided May 14, 2025

SUMMARY

The United States District Court for the Southern District of California denied without prejudice defense counsel’s motion to withdraw, finding insufficient cause and potential prejudice to the individual and entity defendants. The court struck Rebecca Bamberger’s motion to compel return of business materials because it was filed without obtaining a hearing date and did not comply with applicable local procedures. The court set a status conference for May 28, 2025, concerning enforcement of the parties’ settlement agreement.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 14, 2025
DOCKET	24-CV-706 JLS (DDL)
DISPOSITION	other
PROCEDURAL POSTURE	The court considered defense counsel's motion to withdraw and a defendant's motion to compel return of business materials under a settlement agreement retained for court enforcement.
STANDARD OF REVIEW	A motion to withdraw as counsel is reviewed under the trial court's discretion, considering the reasons for withdrawal, prejudice to other litigants, harm to the administration of justice, and potential delay.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- civil procedure
- contracts
- commercial litigation
- motions to dismiss

PRACTICE AREAS

- civil procedure
- commercial litigation
- contracts

QUESTIONS PRESENTED

1. Whether defense counsel established good cause for withdrawal when the represented defendants included corporate entities and the individual defendant sought to proceed on a motion potentially affecting the entities' interests.
2. Whether the motion to compel should be considered when it was filed without first obtaining a hearing date and without complying with the district's procedures for ex parte motions.

HOLDINGS

1. The court denied the motion to withdraw without prejudice because counsel had not shown good cause and withdrawal presented an appreciable risk of prejudice to the individual defendant and the corporate co-defendants.
2. The court struck the motion to compel because it was filed without first obtaining a hearing date and did not comply with the district's procedures for ex parte motions.

KEY QUOTATIONS

“Because allowing Ms. Bamberger to proceed on her Motion to Compel without counsel presents an appreciable risk of prejudice to Ms. Bamberger and her co-Defendants, the Court finds it reasonable to maintain the Firm as counsel for this matter, at least until the Court can assure itself of Ms. Bamberger’s intentions for enforcing the alleged violations of the settlement agreement.” (at 2)

“Accordingly, the Court DENIES WITHOUT PREJUDICE the Firm’s Motion to Withdraw (ECF No. 123) and STRIKES Ms. Bamberger’s Motion to Compel (ECF No. 124).” (at 3)

FACTUAL BACKGROUND

The parties entered a global settlement resolving their disputes, including a provision that allegedly required plaintiffs to return business materials such as digital and physical records and access to business email accounts. After several months without court intervention, Rebecca Bamberger asserted that plaintiffs had violated the settlement and sought to compel return of the materials. Her motion potentially implicated the interests of corporate co-defendants represented by the same firm.

PROCEDURAL HISTORY

The parties reached a global settlement, and the action was closed on January 6, 2025, with the court retaining jurisdiction to enforce the settlement. After a dispute arose, defense counsel moved to withdraw and Rebecca Bamberger moved to compel return of business materials. The court denied the withdrawal motion without prejudice, struck the motion to compel for failure to comply with local motion procedures, and set a status conference.

DISPOSITION

other

CASES CITED

- *Beard v. Shuttermart of Cal., Inc.*, No. 07CV594WQH (NLS), 2008 WL 410694, at *2 (S.D. Cal. Feb. 13, 2008)
- *Leatt Corp. v. Innovative Safety Tech., LLC*, No. 09-CV-1301-IEG (POR), 2010 WL 444708, at *1 (S.D. Cal. Feb. 2, 2010)
- *Reading Int'l, Inc. v. Malulani Grp., Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016)
- *Kashin v. Kent*, No. 02CV2495-LAB (WMC), 2007 WL 1975435, at *1-*2 (S.D. Cal. Apr. 26, 2007), *aff'd*, 342 F. App'x 341 (9th Cir. 2009)

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