

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ewing v. Gitre

Ewing v. Gitre · No. 24-cv-1213-AGS-DDL · Decided May 16, 2025

SUMMARY

The United States District Court for the Southern District of California grants in part an attorney's motion to withdraw from representing individual and corporate defendants. The court finds the withdrawal justified and allows counsel to terminate representation after 30 days so the corporate defendant can obtain substitute counsel.

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Anton
EWING, Case No.: 24-cv-1213-AGS-DDL 4 Plaintiff, ORDER GRANTING IN PART 5 v.
ATTORNEY'S MOTION TO WITHDRAW AS COUNSEL (ECF 37) 6 Christopher GITRE, et
al., 7 Defendants. 8 San Diego Biz Law attorney Riznyk moves to "withdraw as counsel" for
individual 9 defendant Christopher Gitre and corporate defendant Relief Consultants, LLC. (See
ECF 10 37.)

11 "An attorney may not withdraw as counsel except by leave of court." Indymac Fed. 12 Bank,
F.S.B. v. McComic, No. 08-CV-1871-IEG WVG, 2010 WL 2000013, at *1 (S.D. 13 Cal. May 18,
2010). And, in this district, withdrawal motions "must be served on the 14 adverse party and on
the moving attorney's client," and the withdrawing attorney must file 15 a "declaration pertaining
to such service." CivLR 83.3(f)(3).

Courts also assess "(1) the 16 reasons why withdrawal is sought; (2) the prejudice withdrawal may
cause to other 17 litigants; (3) the harm withdrawal might cause to the administration of justice;
and (4) the 18 degree to which withdrawal will delay the resolution of the case. Indymac, 2010
WL 19 2000013, at *1. All factors favor withdrawal here. 20 Riznyk filed a declaration and proof
of service stating that he sent a copy of the 21 withdrawal request to "Defendants Christopher
Gitre and Relief Consultants, LLC" and to 22 the pro se "adverse party." (ECF 37-1, at 3.)

So he has fulfilled the local rules requirement. 23 See CivLR 83.3(f)(3). Turning to the other
factors, first, Riznyk's "reasons why withdrawal 24 is sought" are reasonable. See Indymac, 2010
WL 2000013, at *1. There are "irreconcilable 25 differences and hostility between [Riznyk and]
the Defendants." (ECF 37, at 3.) Allegedly, 26 among other things, the client "argues with
[Riznyk's] determinations of legal strategy and 27 advice." (Id. at 3.)

Riznyk attests he “can no longer represent” them because the 28 1 || “relationship” “is beyond any possibility of repair.” (ECF 37-1, at 2.) 2 Next, there is minimal danger of prejudice to other litigants, no net harm to the 3 ||administration of justice, and the withdrawal will not significantly delay this case’s 4 ||resolution. See *Indymac*, 2010 WL 2000013, at *1.

This “litigation is at a relatively nascent 5 || stage,” which suggests that “there is no danger of prejudice.” See *Consumer Fin. Prot. 6 || Bureau v. Global Fin. Support, Inc.*, No. 3:15-CV-2440-GPC-WVG, 2019 WL 3068232, 7 at *2 (S.D. Cal. July 12, 2019).

The same applies when counsel takes “reasonable steps to 8 || avoid reasonably foreseeable prejudice to the rights of the client, such as giving the client 9 || sufficient notice to permit the client to retain other counsel,” which Riznyk has offered to 10 See Cal. Rule of Prof. Conduct 1.16(d); (ECF 37, at 2). 11 That said, in this district, “corporations... may appear in court only through an 12 attorney.” CivLR 83.3(j).

So corporate defendant Relief Consultants cannot defend itself 13 || without counsel. To that end, Riznyk offered to continue representing defendants for 14 ||“fourteen days” to mitigate any harm to the defendants. (ECF 37, at 3.) But because of the 15 ||increased risk to the corporate defendant, more time is warranted.

As is often ordered in 16 district, Riznyk must instead give defendants 30 days to secure new representation. 17 || See, e.g., *Consumer*, 2019 WL 3068232, at *3 (giving corporate defendant 30 days to find 18 counsel); *Indymac*, 2010 WL 2000013, at *3 (same). 19 So the withdrawal request is GRANTED IN PART. Riznyk may terminate 20 representation no sooner than June 16, 2025.

21 Dated: May 16, 2025 23 Hon. Andrew G. Schopler United States District Judge 25 26 27 28