

<b>UNITED STATES BANKRUPTCY COURT</b> SOUTHERN DISTRICT OF CALIFORNIA 325 West F Street, San Diego, California 92101-6991	
In Re	BANKRUPTCY NO.
Debtor	
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	ADVERSARY NO.

**MOTION TO BE RELIEVED AS COUNSEL**

I, \_\_\_\_\_ (enter name of Counsel of Record), hereby move the Court to be relieved as counsel for \_\_\_\_\_ (enter name(s) of Client) (referred to as "Client(s)") pursuant to Southern California District Local Civil Rule 83.3(f)(3), and California Rules of Professional Conduct ("R.P.C.") Rule 1.16(a) (mandatory withdrawal) and/or R.P.C. 1.16(b) (permissive withdrawal).

1. My Client(s) are a (check all that apply):

- a. Individual(s)
- b. Corporation
- c. Partnership
- d. Unincorporated association
- e. Trustee
- f. Creditor(s)
- g. Personal representative(s)
- h. Other  : \_\_\_\_\_

I represent the Client(s) in their capacity as: \_\_\_\_\_  
(enter role in case: [i.e. Debtor(s), Creditor(s), Trustee, etc.]).

2. This motion is supported by the accompanying declaration signed under the penalty of perjury by \_\_\_\_\_ (enter Declarant's name), and is based upon the following facts:

3. This Motion to be Relieved as Counsel is made pursuant to:

**R.P.C. 1.16(a):** (1) the lawyer knows or reasonably should know that the client is bringing an action, conducting a defense, asserting a position in litigation, or taking an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person; and/or (2) continuing to represent the above-referenced Client(s) will result in violation(s) of the California Rules of Professional conduct or of the State Bar Act; and/or (3) the lawyer's mental or physical condition renders it unreasonably difficult to carry out the representation effectively; and/or (4) the client discharges the lawyer.

**R.P.C. 1.16(b):** One or more of the following is true: (1) Client(s) insist upon presenting a claim or defense in litigation, or asserting a position or making a demand in a non-litigation matter, that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law; (2) Client(s) have either sought to pursue a criminal or fraudulent course of conduct or have used the Counsel's services to advance a course of conduct that the lawyer reasonably believes was a crime or fraud; (3) Client(s) have insisted that Counsel pursue a course of conduct that is criminal or fraudulent; (4) Client(s) by other conduct has rendered it unreasonably difficult for Counsel to carry out the representation effectively; (5) Client(s) has breached a material term of an agreement with, or obligation, to the Counsel relating to the representation, and the lawyer has given the client a reasonable warning after the breach that the lawyer will withdraw unless the client fulfills the agreement or performs the obligation; (6) Client(s) knowingly and freely assents to termination of the representation; (7) Counsel's inability to work with co-counsel indicates that the best interests of the Client(s) likely will be served by withdrawal.

4. To the best of my knowledge, the Client(s)' last known contact information is a follows:

- a. Mailing address: \_\_\_\_\_  
\_\_\_\_\_
- b. Telephone number(s): \_\_\_\_\_
- c. Facsimile number (if applicable): \_\_\_\_\_
- d. Email address (if known): \_\_\_\_\_

5. If this Motion is granted, and Counsel is relieved from further representation of the Client(s) in this matter, the Client(s) will be informed of their obligation to file with the Court any changes of address.

6. Counsel of record has complied with R.P.C. 1.16(d), as on \_\_\_\_\_ (enter date of service), Client(s) have been served with this Motion, attached Declaration, as well as a copy of their entire file by the following method(s):

- a.  By U.S. mail, postage pre-paid
- b.  By U.S. mail, return receipt requested
- c.  By overnight mail
- d.  By email (if agreement of the parties)
- e.  By other means (describe here):

7. Client(s)' last known address has been confirmed by Counsel as of: (state date that last known address was valid as known by Counsel) \_\_\_\_\_ .

8. A Hearing in this matter is currently scheduled for \_\_\_\_\_ at \_\_\_\_\_ .m. in Department \_\_\_\_\_, Room \_\_\_\_\_ of the United States Bankruptcy Court for the Southern District of California, whose address is 325 West F Street, San Diego, CA 92101.

9. The following upcoming hearings or other proceedings pending in this matter (i.e. discovery deadlines, depositions, hearings, mediation, etc.) are as follows: (enter date/time location (s)):

a.

b.

c.

10 Trial in this action:

a.  Has been set for: (date, time, location, etc.):

b.  No Trial Date has yet been set / Not Applicable.

11 Other matters: the following additional information should be considered by the court in determining whether to grant this motion:

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**Declarations as required by LBR 9013-7(a)(1) must accompany this motion.**

Wherefore, for the foregoing reasons Counsel requests that the Motion to be Relieved as Counsel be Granted.

**DATED:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Attorney for:** \_\_\_\_\_