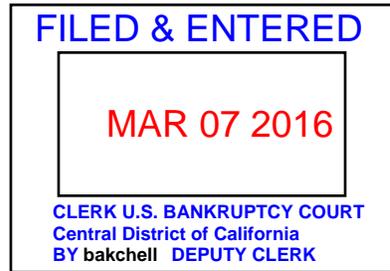


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ORDER NOT FOR PUBLICATION CHANGES MADE BY COURT
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

IN RE: RUBY SIDDIQUI, Debtor,) CASE NO.: 2:14-bk-01653-RK)) CHAPTER: 7)) ADV. NO.: 2:14-ap-01549-RK
CHRISTINE KELLEY, Plaintiff. v. RUBY SIDDIQUI, Defendant.) ORDER GRANTING MOTION OF) DAVID BRIAN LALLY AND LAW) OFFICE OF DAVID BRIAN LALLY TO) WITHDRAW AS DEFENDANT RUBY) SIDDIQUI'S ATTORNEY OF RECORD)) NO HEARING SET

Pending before the court is the "Motion to Withdraw as Defendant's Attorney of Record" ("Motion"), ECF 37, filed by David Brian Lally and Law Office of David Brian Lally ("Counsel"), counsel of record for Defendant Ruby Siddiqui ("Defendant"), in the above-captioned adversary proceeding, and "Declaration of David B. Lally, Esq. in Support of Order Granting Motion to Withdraw as Defendant's Attorney of Record," ECF 40.

1 Having reviewed the moving papers, the court determines that the Motion should
2 be granted for the reasons stated in the Motion and for lack of any opposition thereto.

3 Local Bankruptcy Rule 2091-1(a) provides in pertinent part that, leave of court
4 pursuant to Local Bankruptcy Rule 9013-1(p) is “required” for:

- 5
- 6 (1) An attorney who has appeared on behalf of an entity in any matter
7 concerning the administration of the case, in one or more proceedings,
8 or both, to withdraw as counsel; and
 - 9 (2) An entity represented by counsel to appear without counsel or by a
10 different attorney.

11 Local Bankruptcy Rule 9013-1(p) permits certain motions, including motions to withdraw
12 as counsel pursuant to Local Bankruptcy Rule 2091-1(a), to be determined by the court
13 without a hearing after notice in compliance with the Local Bankruptcy Rules.

14 While Counsel incorrectly brought this Motion pursuant to Local Bankruptcy Rule
15 9013-1(o), which permits certain motions to be determined after notice of opportunity to
16 request hearing, and requires, *inter alia*, the moving party to file a declaration that no
17 timely response was filed using mandatory form F 9013-1.2.NO.REQUEST.HEARING.
18 DEC, see Local Bankruptcy Rules 9009-1(b)(2) and 9013-1(o)(3)(A), which Counsel did
19 not use, this erroneous reliance on Local Bankruptcy Rule 9013-1(o) is not material
20 since a motion to withdraw as counsel may be considered on notice without hearing
21 pursuant to Local Bankruptcy Rule 9013-1(p).

22 In the Motion, Counsel argues that the court should grant Counsel leave to
23 withdraw as counsel for Defendant, because communication with Defendant has broken
24 down, Counsel and Defendant have agreed that the “parting of the ways is appropriate,”
25 and “Defendant has represented that she is seeking a new attorney.” Motion at 2-3;
26 Lally Decl., ¶ 8. However, no Substitution of Attorney has been signed and filed with
27 the court, and Mr. Lally admits that he has communicated with Blake Lindeman,
28 proposed new counsel, and he has not yet been retained. Lally Declaration, ¶ 8.

1 On February 12, 2016, the court entered a Scheduling Order and Order
2 Approving Amended Joint Pretrial Stipulation, ECF 39, which requires the parties to file
3 supplemental trial declarations by March 31, 2016, file evidentiary objections to
4 declarations and optional trial briefs by April 14, 2016, and sets the trial for April 21 and
5 22, 2016. A copy of this scheduling order was served on Defendant by mail by the
6 Bankruptcy Noticing Center on February 14, 2016. ECF 39.

7 Under Local Bankruptcy Rule 2091-1(e)(1) and (2), a withdrawal of counsel
8 cannot “result in a continuance of any matter, absent an order granting a motion for
9 continuance after notice and a hearing pursuant to LBR 9013-1(m),” and “unless good
10 cause is shown and the ends of justice require, no substitution or withdrawal will be
11 allowed that will cause unreasonable delay in prosecution of the case or proceeding to
12 completion.” The court, having reviewed the Motion in detail, and based on Counsel’s
13 representations, Defendant has been given sufficient notice to retain new counsel or be
14 prepared and ready to defend this case on her behalf at the trial in this matter
15 scheduled to begin on April 21, 2016.
16

17 For the foregoing reasons, the court HEREBY ORDERS as follows:

- 18 1. The court grants Counsel’s Motion to withdraw as Defendant’s counsel in the
19 above-captioned adversary proceeding; and

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2. Defendant Ruby Siddiqui is hereby put on notice that David Brian Lally and Law Office of David Brian Lally have been given authorization by this court to withdraw as her counsel in this matter and that she should retain new counsel to assist her or be prepared and ready to defend this case at the trial to begin on April 21, 2016.

IT IS SO ORDERED.

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Date: March 7, 2016



Robert Kwan
United States Bankruptcy Judge