

1 Steven C. Vondran, [SBN 232337]
2 **THE LAW OFFICES OF STEVEN C. VONDRAN, PC**
3 620 Newport Center Drive, Suite 1100
4 Newport Beach, CA 92660
5 Telephone: (877) 276-5084
6 Facsimile: (888) 551-2252
7 E-mail: steve@vondranlegal.com

8 *Attorneys for Defendant Arvin De La Santos / Your Extra*

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 TRILLER FIGHT CLUB II LLC, a
12 Delaware Limited Liability Company,

13 Plaintiff,

14 vs.

15 ARVIN DE LA SANTOS, an individual;
16 YOUR EXTRA, an unknown business
17 entity; and DOES 1 through 10, inclusive,

18 Defendants.

19 Case No. 2:21-cv-04906-DSF-PVC

20 **MOTION FOR LEAVE TO
21 WITHDRAW AS COUNSEL
22 FOR DEFENDANTS ARVIN DE
23 LA SANTOS and YOUR EXTRA
24 MEMORANDUM OF POINTS
25 AND AUTHORITIES**

Judge: Honorable Maame Ewusi-
Mensah Fripong

Trial Date: None

Hearing

Date: April 7th, 2022

Time: 10:00 a.m.

Location: 350 West 1st Street, Los
Angeles, California 90012,
Courthouse "B" 8th Floor

26 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

The following Memorandum of Points and Authorities is submitted in support of the Motion of Steven C. Vondran to withdraw as attorney of record for Defendant ("Arvin De La Santos / Your Extra" – Collectively "Defendant") in this action.

MEMORANDUM OF POINTS AND AUTHORITIES

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1 **INTRODUCTION**

2 Steven C. Vondran, counsel of record for Defendant, hereby moves the Court for
3 an order allowing him to withdraw as counsel of record for Defendant.

4 **I. FACTS**

5 I have been counsel of record for Defendant since the inception of this case. A
6 written retainer agreement was signed between the parties calling for certain fees to be
7 if a settlement wasn't achieved and if this matter moved to litigation, which it has. At
8 this time, litigation fees have not been paid and in fact Defendant cannot afford to hire a
9 lawyer and has been advised and consents to this withdrawal. (See **Vondran**
10 **Declaration**). "Your Next" is NOT a corporation, therefore Defendant may represent
11 himself and has ample time to seek replacement counsel should he decide to go that
12 direction.

13 The court has not yet set a trial date and no other prejudice or unreasonable delay
14 will befall Plaintiff as the case is at its very early stages. Respectfully, I request to be
15 relieved as counsel of record for these reasons.

16 **II. DISCUSSION**

17 **A. Non-Payment of Fees and Failure to Cooperate are Ground for Withdrawal**

18 In the Central District of California, an attorney may not withdraw as counsel
19 except with leave of court following notice to the client and a motion for leave to
20 withdraw supported by good cause. *Local Rule 83-2.3.2*. "Unless good cause is shown
21 and the ends of justice require, no substitution or relief of attorney will be approved that
22 will cause delay in prosecution of the case to completion." *Local Rule 83-2.3.5*.

23 Thus, a motion for leave to withdraw as counsel must disclose adequate grounds
24 excusing counsel from further representation in the particular case. Federal courts
25 generally look to applicable state rules of professional conduct to determine if such good
26

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1 cause exists. See, Nehad v. Mukasey, 535 F.3d 962, 970 (9th Cir. 2008). Under the
2 California Rules of Professional Conduct, there are six circumstances where an attorney
3 may withdraw based on the client’s conduct. See California Rules of Professional
4 Conduct, Rule 3-700(C)(1) (2016). One well-known ground stated therein is “*The client*
5 *knowingly and freely assents to termination of the employment.*” That is the case here.
6 Defendant was advised of the costs of litigation and is not able to afford same and has
7 consented to withdrawal of legal counsel.

8 Applying this rule, granting withdrawal is proper.

9 **B. Counsel Seeking to Withdraw Must Satisfy Notice Requirements**

10 Both the California Rules of Professional Conduct and the Local Rules of the
11 Central District of California have notice requirements for seeking leave to withdraw as
12 counsel.

13 Local Rule 83-2.3.2 requires “written notice given reasonably in advance to the
14 client and to all other parties who have appeared in the action” before filing a motion for
15 leave to withdraw. When the client is an organization such as a corporation, the written
16 notice must inform the client that organizations may not appear to continue *pro se*. Local
17 Rule 83-2/3/4. Similarly, California requires counsel to take “reasonable steps to avoid
18 reasonably foreseeable prejudice to the rights of the client, including giving due notice
19 to the client [and] allowing time for employment of other counsel.” California Rules of
20 Professional Conduct, Rule 3-700(A)(2). The purpose of these notice requirements is to
21 avoid prejudicing the client or causing undue delays in the proceedings. See McGill v.
22 Home Depot, Inc., 2016 U.S. Dist. LEXIS 7846 (N.D. Cal. Jan. 22, 2016).

23 Here, Defendant was notified and consented to withdrawal (See **Vondran**
24 **Declaration**). Opposing counsel was also notified that Defendant would likely be forced
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1 to default. Your Extra is NOT a corporate entity. As such, all parties are, or at least
2 should be on notice.

3 **C. Application**

4 The motion should be granted because: (1) good cause exists in that there has been
5 consent to sever the attorney-client relationship after full disclosure and discussion with
6 Client, and (2) the notice requirements have been met and neither the Plaintiff nor client
7 will be prejudiced. No trial date is set.

8 Should the situation change, Defendant has plenty of time to obtain new counsel.

9 **III. CONCLUSION**

10 For the reasons stated above, the Court should find good cause and Steven C.
11 Vondran respectfully requests that this Court grant this motion for leave to withdraw as
12 counsel of record for Defendant with respect to all matters related to this case number
13 and that Steven C. Vondran be removed from the Court’s service list.

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DATED: March 7, 2022

THE LAW OFFICES OF STEVEN C. VONDRAN

By: /s/ Steven C. Vondran
Steven C. Vondran, Attorney for Defendant

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CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to this action and a member of the bar of this court. My business address is 620 Newport Center Drive, Suite 1100, Newport Beach, CA 92660.

I hereby declare that on March 7, 2022, a copy of the foregoing document was filed with the United States District Court for the Central District of California in accordance with its Electronic Case Filing (ECF) procedures and served upon the attorneys of record for the parties to this action through ECF via e-mail through ECF to all persons registered with the ECF.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct. Executed this 7th day of March, 2022, at Phoenix, Arizona.

/s/ Steven C. Vondran
Steven C. Vondran
Attorney for Defendant
Arvin De La Santos / Your Extra

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