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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

THE THOMPSONS FILM, LLC

Plaintiff,

v.

ROSS KAPPEN, et al.,

Defendants.

NO: 13-CV-0126-TOR

ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL FOR  
PLAINTIFF

BEFORE THE COURT is Maureen C. VanderMay’s Motion to Withdraw as Counsel for Plaintiff (ECF No. 103). This matter was submitted for consideration without oral argument. The Court has reviewed the briefing and the record and files herein, and is fully informed.

Plaintiff’s counsel Maureen C. VanderMay seeks to withdraw from representation of Plaintiff. ECF No. 103-1 at 1-2. She seeks to withdraw on grounds that “[i]ssues have arisen with Plaintiff’s representatives that preclude [her] from both continuing with representation of Plaintiff and complying with the

1 governing rules of professional conduct.” ECF No. 103-1 at 1. Due to the  
2 privileged and confidential nature of these issues, Ms. VanderMay declines to  
3 disclose this information. *Id.* Defendant Joe Robb opposes Ms. VanderMay’s  
4 motion, arguing that the Supreme Court makes clear that all artificial entities must  
5 be represented by counsel in federal court litigation. ECF No. 104 at 1.

6 Pursuant to LR 83.2(d)(4), an attorney must obtain leave from the Court to  
7 withdraw as counsel if said withdrawal leaves the party unrepresented. The  
8 attorney’s motion for withdrawal must demonstrate good cause, and must be filed  
9 and served on the client and opposing counsel. Under LR 83.2(d)(3), leave of the  
10 Court is also required when a change in counsel affects a termination of one law  
11 office and the appearance of a new law office. The decision whether to permit  
12 counsel to withdraw is within the sound discretion of the court. *See LaGrand v.*  
13 *Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998). Rule 1.16(b) of the Washington  
14 Rules of Professional Conduct provides:

15 Except as stated in paragraph (c), a lawyer may withdraw from representing  
16 a client if:

- 17 (1) withdrawal can be accomplished without material adverse effect  
18 on the interests of the client;
- 19 (2) the client persists in a course of action involving the lawyer's  
20 services that the lawyer reasonably believes is criminal or fraudulent;
- (3) the client has used the lawyer's services to perpetrate a crime or  
fraud;
- (4) the client insists upon taking action that the lawyer considers  
repugnant or with which the lawyer has a fundamental disagreement;

- 1 (5) the client fails substantially to fulfill an obligation to the lawyer  
regarding the lawyer's services and has been given reasonable warning  
2 that the lawyer will withdraw unless the obligation is fulfilled;  
3 (6) the representation will result in an unreasonable financial burden  
on the lawyer or has been rendered unreasonably difficult by the  
client; or  
4 (7) other good cause for withdrawal exists.

5 RPC 1.16.

6 Despite this, in federal court, “corporations and other unincorporated  
7 associations must appear in court through an attorney.” *In re Am. W. Airlines*, 40  
8 F.3d 1058, 1059 (9th Cir. 1994). *See also Rowland v. California Men's Colony,*  
9 *Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993) (“a corporation may  
10 appear in the federal courts only through licensed counsel”).

11 Here, David Allen Lowe entered his Notice of Appearance on behalf of The  
12 Thompsons Film, LLC, on June 18, 2014. ECF No. 56. Ms. VanderMay’s  
13 withdrawal does not leave Plaintiff unrepresented, and her request demonstrates  
14 good cause.

15 **ACCORDINGLY, IT IS HEREBY ORDERED:**

16 Ms. VanderMay’s Motion to Withdraw as Counsel for Plaintiff (ECF No.  
17 103) is **GRANTED**.

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1 The District Court Executive is hereby directed to enter this Order, and  
2 furnish copies to counsel.

3 **DATED** June 19, 2014.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge