

GENESIS PVB LLC v. GRAFER

18CV43485

THIRD AMENDED MOTION TO BE RELIEVED AS COUNSEL

This is a breach of contract /Quiet Title action. Before the Court is a third amended motion by attorney David J. Furtado to be relieved from representing Craig Borden.

An attorney may withdraw as counsel of record if the client breaches the agreement to pay fees, insists on pursuing invalid claims or an illegal course of conduct, or when other conduct by the client renders it unreasonably difficult for the attorney to do his job, including when there is a breakdown in the attorney-client relationship. If the attorney does not have the client's consent, he or she must proceed by way of noticed motion consistent with CCP §§ 284 and 1005, CRPC 1.16 and CRC 3.1362. The motion must be verified, must utilize the designated Judicial Council forms MC-051 – MC-053, and must set forth sufficient detail to permit a trial court to discharge its duty of inquiry regarding the grounds for the motion. (See *Flake v. Neumiller & Beardslee* (2017) 9 Cal.App.5th 223, 230; *Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1134-1136; *Aceves v. Superior Court* (1996) 51 Cal.App.4th 584, 592-593.)

Counsel's submitted declaration meets the statutory requirement. Absent proper LR 3.3.7 notice and appearance to present oral argument the Court GRANTS Counsel's motions to withdraw.

The Clerk shall provide notice of this Ruling to the parties forthwith. The Court intends to sign the submitted proposed orders.

KAISER v ATKINS

20CV44871

MOTION TO BE RELIEVED AS COUNSEL

This is a partition dispute involving partition dispute concerning real and personal property of a former couple; the matter has resolved by way of court trial. Before the Court is a motion by the Kenneth Foley to be relieved from further representation of Defendant Bart Atkins.

An attorney may withdraw as counsel of record if the client breaches the agreement to pay fees, insists on pursuing invalid claims or an illegal course of conduct, or when other conduct by the client renders it unreasonably difficult for the attorney to do his job, including when there is a breakdown in the attorney-client relationship. If the attorney does not have the client's consent, he or she must proceed by way of noticed motion consistent with CCP §§ 284 and 1005, CRPC 1.16 and CRC 3.1362. The motion must be verified, must utilize the designated Judicial Council forms MC-051 – MC-053, and must set forth sufficient detail to permit a trial court to discharge its duty of inquiry regarding the grounds for the motion. (See *Flake v. Neumiller & Beardslee* (2017) 9 Cal.App.5th 223, 230; *Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1134-1136; *Aceves v. Superior Court* (1996) 51 Cal.App.4th 584, 592-593.)

Counsel's submitted declaration meets the statutory requirement. Absent proper LR 3.3.7 notice and appearance to present oral argument the Court GRANTS Counsel's motions to withdraw.

The Clerk shall provide notice of this Ruling to the parties forthwith. The Court intends to sign the submitted proposed orders.

ARIZA v. LAKESIDE VENTURES, LLC et al

22CV46059

MOTION TO BE RELIEVED AS COUNSEL

This is a contract dispute involving a proposed transaction for the sale of a mobile home park in Mokelumne Hill. Before the Court is a motion by the BPE Law Group to be relieved from representing plaintiff Helen Ariza.

An attorney may withdraw as counsel of record if the client breaches the agreement to pay fees, insists on pursuing invalid claims or an illegal course of conduct, or when other conduct by the client renders it unreasonably difficult for the attorney to do his job, including when there is a breakdown in the attorney-client relationship. If the attorney does not have the client's consent, he or she must proceed by way of noticed motion consistent with CCP §§ 284 and 1005, CRPC 1.16 and CRC 3.1362. The motion must be verified, must utilize the designated Judicial Council forms MC-051 – MC-053, and must set forth sufficient detail to permit a trial court to discharge its duty of inquiry regarding the grounds for the motion. (See *Flake v. Neumiller & Beardslee* (2017) 9 Cal.App.5th 223, 230; *Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1134-1136; *Aceves v. Superior Court* (1996) 51 Cal.App.4th 584, 592-593.)

Counsel's submitted declaration meets the statutory requirement. Absent proper LR 3.3.7 notice and appearance to present oral argument the Court GRANTS Counsel's motions to withdraw.

The Clerk shall provide notice of this Ruling to the parties forthwith. The Court intends to sign the submitted proposed orders.

GRANADA v BURGESS et al

21CV45760

PLAINTIFF'S MOTION FOR TERMINATING SANCTIONS AS TO DEFENDANT LEVEL ONE ROOFING

In this breach of contract action, the Court on May 16, 2023 court granted in part plaintiff's unopposed motion and ordered defendants to produce verified answers to discovery. On July 2, 2023, defendant was served this court's order to produce answers To date, defendant has failed to comply with this court's orders compelling discovery responses.

Under Code of Civil Procedure section 2023.010, subdivisions (d), (g), and (i), "failing to respond or to submit to authorized methods of discovery," "disobeying a court order to provide discovery," and "failing to confer," are all misuses of the discovery process. Pursuant to section 2023.030, subdivision (d) of the Code of Civil Procedure, the court may impose terminating sanctions for a party's misuse of the discovery process, *which includes the disobedience of a court order*. (See *Sole Energy Co. V. Hodges* (2005) 128 Cal.App.4th 199, 207.) Section 2023.030, subdivision (d) states:

"The court may impose a terminating sanction by one of the following orders:

- (1) An order striking out the pleadings or parts of the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process.
- (2) An order staying further proceedings by that party until an order for discovery is obeyed.
- (3) An order dismissing the action, or any part of the action, of that party.
- (4) An order rendering a judgment by default against that party."

The Court GRANTS plaintiff's motion. The answer of defendant Level 1 Roofing is stricken and a default judgment is entered on behalf of plaintiff as to said defendant. Plaintiff to pursue a default judgment through appropriate procedures.

The Clerk shall provide notice of this Ruling to the parties forthwith. The Court intends to sign the submitted proposed orders.

