

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement  
Fresno Federal Courthouse  
2500 Tulare Street, 5<sup>th</sup> Floor  
Courtroom 11, Department A  
Fresno, California

**PRE-HEARING DISPOSITIONS**

**DAY:** TUESDAY

**DATE:** MAY 5, 2020

**CALENDAR:** 11:00 A.M. CHAPTER 7 ADVERSARY PROCEEDINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [19-12047](#)-A-7     **IN RE: ROBERT FLETCHER**  
[19-1097](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
9-30-2019    [[8](#)]

FLETCHER V. FLETCHER ET AL  
DAVID JENKINS/ATTY. FOR PL.  
RESPONSIVE PLEADING

**No Ruling**

2. [19-12047](#)-A-7     **IN RE: ROBERT FLETCHER**  
[19-1097](#)     [DRJ-1](#)

CONTINUED MOTION FOR SUMMARY JUDGMENT  
2-25-2020    [[24](#)]

FLETCHER V. FLETCHER ET AL  
DAVID JENKINS/ATTY. FOR MV.  
RESPONSIVE PLEADING

**No Ruling**

3. [19-13871](#)-A-7     **IN RE: JENNA LONG**  
[20-1014](#)     [DW-1](#)

MOTION TO DISMISS NAVIENT AS A DEFENDANT  
4-6-2020    [[8](#)]

LONG V. U.S. DEPARTMENT OF  
EDUCATION ET AL  
DENNIS WINTERS/ATTY. FOR MV.

**Final Ruling**

Defendant Navient dismissed, the motion is dropped as moot.

4. [18-10873](#)-A-7     **IN RE: PAMELA WILLIS-GARCIA**  
[WJH-3](#)

MOTION BY RILEY C. WALTER TO WITHDRAW AS ATTORNEY  
3-24-2020    [\[71\]](#)

DANIELLE BETHEL/ATTY. FOR DBT.

**Final Ruling**

**Motion:** Attorney's Withdrawal from Representation of a Client

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by movant pursuant to the instructions below

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Under California Rule of Professional Conduct 1.16(c), "[i]f permission for termination of a representation is required by the rules of a tribunal, a lawyer shall not terminate a representation before that tribunal without its permission."

An attorney's withdrawal from representing a client is governed by LBR 2017-1(e) and the Rules of Professional Conduct of the State Bar of California. LBR 2017-1(e) provides that "an attorney who has appeared may not withdraw leaving the client in propria persona without leave of court upon noticed motion and notice to the client and all other parties who have appeared." This local rule also mandates that the attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to withdraw.

California Rule of Professional Conduct 1.16(b)(4) provides for permissive withdrawal if "the client by other conduct renders it unreasonably difficult for the lawyer to carry out the representation effectively." The facts asserted in the motion and supporting papers show that continued, effective representation of the client will be unreasonably difficult for the attorney to undertake.

California Rule of Professional Conduct 1.16(b)(6) provides for permissive withdrawal if "the client knowingly and freely assents to termination of the representation." This provision has been satisfied.

The court finds that the attorney's withdrawal from the representation is proper. In the order's recitals, the order shall state the client's last known address and, if known, the client's phone number. The order's substantive provisions shall include a

provision requiring the attorney to comply with California Rule of Professional Conduct 1.16(e)(1), (2) upon the withdrawal.

5. [18-10873](#)-A-7     **IN RE: PAMELA WILLIS-GARCIA**  
[19-1073](#)     [WJH-3](#)

MOTION BY RILEY C. WALTER TO WITHDRAW AS ATTORNEY  
3-24-2020     [[74](#)]

SALVEN ET AL V. GARCIA, III ET  
AL  
DISMISSED 4/2/20

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