

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

CLINT FINSTAD and MARY FINSTAD,

Plaintiffs,

v.

Case No: 2:18-cv-746-FtM-38UAM

WRIGHT NATIONAL FLOOD
INSURANCE COMPANY,

Defendant.

ORDER

This matter comes before the Court upon review of the Motion for Approval of Departing Attorney's Withdrawal filed on April 11, 2019. Doc. 26. Attorney Sarah E. Chibani of the firm Freeborn & Peters LLP ("Freeborn") requests to withdraw from representation of Defendant. *Id.* at 1. Defendant's counsel does not state whether Defendant or Plaintiffs' counsel object to the requested relief. For the reasons stated below, the motion is granted.

A motion to permissively withdraw is a matter within the discretion of the court. *Obermaier v. Driscoll*, No. 2:00-cv-214-FtM-29D, 2000 WL 33175446, at *1 (M.D. Fla. Dec. 13, 2000). Pursuant to the Local Rules, "no attorney, having made a general appearance under subsection (a) of [Local Rule 2.03] shall thereafter abandon the case or proceeding in which the appearance was made, or withdraw as counsel for any party therein, except by written leave of Court obtained after giving ten (10) days' notice to the party or client affected thereby, and to opposing counsel." M.D. Fla. R. 2.03(b). Here, the motion fails to comply with the notice requirements of Local Rule 2.03(b) as well as the requirements of Local Rule 3.01(g).¹ The

¹ Local Rule 3.01(g) requires that each motion filed in a civil case, with certain enumerated exceptions, "stat[e] whether counsel agree on the resolution of the motion[.]" M.D. Fla. R. 3.01(g). Here,

motion indicates, however, that Freeborn will continue to represent Defendant, with attorneys Jason P. Stearns and Taylor R. Ryan remaining as counsel of record, and that attorney Sarah Chibani is requesting to withdraw because she has left the firm and is no longer associated with Freeborn. Doc. 26 at 1. Thus, the Court finds good cause to excuse the failure to comply with Rule 2.03(b) and grant the motion because Freeborn is not seeking to withdraw as counsel of record but only seeking to withdraw one of its attorneys.

ACCORDINGLY, it is

ORDERED:

The Motion for Approval of Departing Attorney's Withdrawal (Doc. 26) is **GRANTED**. The Clerk is directed to terminate attorney Sarah E. Chibani as counsel of record and from receiving future notices of electronic filing for Defendant.

DONE and **ORDERED** in Fort Myers, Florida on this 12th day of April, 2019.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies:
Counsel of record

the Court finds good cause to excuse the failure to comply but advises the parties that future motions that fail to comply with Local Rule 3.01(g) may be denied on that basis.