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 ROBERT RUNDO

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 10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**
 12 **WESTERN DIVISION**

13
 14 UNITED STATES OF AMERICA,
 15 Plaintiff,
 16 v.
 17 ROBERT RUNDO,
 18 Defendant.

Case No. CR 18-759-CJC-1

**EX PARTE APPLICATION FOR AN
 ORDER TO STRIKE APPEARANCE
 OF ATTORNEY STEPHEN
 YAGMAN FROM THE DOCKET**

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1 Deputy Federal Public Defenders Julia Deixler, Erin M. Murphy, and Caroline S.
2 Platt, counsel of record for Defendant Robert Rundo, hereby apply *ex parte* for an order
3 to strike the appearance of attorney Stephen Yagman as counsel for Robert Paul Rundo
4 in this matter.

5 Respectfully submitted,

6 CUAUHTEMOC ORTEGA
7 Federal Public Defender

8 DATED: May 16, 2024

By */s/ Julia Deixler*

9 ERIN M. MURPHY
10 JULIA DEIXLER
11 CAROLINE PLATT
12 Deputy Federal Public Defenders
13 Attorneys for ROBERT RUNDO
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MEMORANDUM

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2 When counsel is already appointed for a criminal defendant, a request to
3 substitute in as new counsel must be accompanied by an application signed by the
4 defendant and an accompanying proposed order. *See* C.D. Cal. Form G-01. Such
5 application must identify the attorney seeking to withdraw as counsel, identify the
6 attorney seeking to substitute in as new counsel, and include the written consent of the
7 party represented by the withdrawing attorney. *See id.* Further, any attorney, whether
8 appointed or retained, may not withdraw as counsel except by leave of court. C.D. Cal.
9 L.Cr.R. 44-1.

10 On May 16, 2024, attorney Stephen Yagman filed a form “Notice of Appearance
11 or Withdrawal of Counsel.” Dkt. No. 414. The notice asserted that Mr. Yagman was
12 seeking to appear as pro bono counsel on behalf of Robert Paul Rundo. *Id.* The notice
13 did not indicate that appointed counsel was withdrawing as counsel. Mr. Yagman’s
14 filing was not accompanied by an application for substitution of counsel, nor was it
15 accompanied by any written consent of Mr. Rundo. The Office of the Federal Public
16 Defender has not sought to withdraw as counsel in this matter and is not proceeding as
17 co-counsel with Mr. Yagman. Undersigned counsel therefore believes that the Notice
18 of Appearance filed by Mr. Yagman was procedurally improper, and that both the
19 notice and his appearance should be stricken from the docket.

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21 Respectfully submitted,

22 CUAUHTEMOC ORTEGA
23 Federal Public Defender

24 DATED: May 16, 2024

By */s/ Julia Deixler*

25 ERIN M. MURPHY
26 JULIA DEIXLER
27 CAROLINE PLATT
28 Deputy Federal Public Defenders
Attorneys for ROBERT RUNDO

DECLARATION OF JULIA DEIXLER

I, Julia Deixler, declare:

1. I am an attorney at the Office of the Federal Public Defender in the Central District of California. Along with my co-counsel Erin Murphy and Caroline Platt, I am appointed to represent defendant Robert Rundo in *United States v. Robert Rundo, et al.*, 18-CR-759-CJC.

2. On May 16, 2024, I received a Notice of Electronic Filing indicating that attorney Stephen Yagman had filed a Notice of Appearance on behalf of Mr. Rundo. Neither I nor my co-counsel received any communication from Mr. Yagman prior to that filing.

3. Neither I nor my co-counsel have been presented with a substitution of counsel form in this matter or otherwise informed that Mr. Rundo seeks to replace the Office of the Federal Public Defender as his counsel.

4. On May 16, 2024, I contacted Mr. Yagman at the email address listed on his filed Notice of Appearance. I advised Mr. Yagman by email that I would be filing this *ex parte* application.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on May 16, 2024, at Los Angeles, California.

/s/ Julia Deixler
JULIA DEIXLER
Deputy Federal Public Defender