

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARLENE DELGADO,

Plaintiff,

-against-

19-CV-11764 (AT) (KHP)

DISCOVERY ORDER

DONALD J. TRUMP FOR PRESIDENT, INC.,
TRUMP FOR AMERICA, INC., SEAN SPICER,
individually, REINCE PRIEBUS, individually,
STEPHEN BANNON, individually,

Defendants.

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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE:

As discussed at the May 1, 2024 *ex parte* call with Defendant and defense counsel regarding defense counsel's pending motion to withdraw:

Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York governs the withdrawal of counsel. Rule 1.4 provides, in relevant part:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar, and whether or not the attorney is asserting a retaining or charging lien. All applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties.

The Rule permits, with Court authorization, submission of an *in camera* statement in appropriate circumstances. In this case, defense counsel's declaration is insufficient to grant withdrawal at this time. By **May 7, 2024**, defense counsel shall submit a more detailed declaration setting forth the basis for the deterioration in the attorney-client relationship sufficient for the Court to evaluate the motion. See, e.g., *Wilson v. Pasquale's DaMarino's Inc.*, 2018 WL 4761574 (S.D.N.Y. 2018). Because of the nature of the motion and to protect attorney-client privilege, defense counsel shall submit the more detailed declaration to the Court *in camera* and on an *ex parte* basis. The declaration shall be emailed to Judge Parker's Chambers email with the subject line indicating the case number and that it is an *in camera* submission. The declaration shall also state whether defense counsel is asserting a retaining or charging lien and whether each of defense counsel's clients consent to the withdrawal. Defense counsel shall provide a copy of the declaration to a representative of Donald J. Trump For President, Inc. (the "Campaign") and Messrs. Priebus and Spicer.


Because the Campaign is an entity, it may not represent itself. See e.g., *Cent. Harlem Cmty. (Dist. 10) v. City of New York*, 2024 WL 1603463, at *1 (S.D.N.Y. Mar. 8, 2024). Thus, if the motion to withdraw is granted, the Campaign will be at risk of default if it does not promptly obtain substitute counsel. As set forth in this Court's prior order, all deadlines remain in place. The next scheduled conference is May 9, 2024 at 4:30 p.m. by phone. Defense counsel shall ensure that all of its clients, including Messrs. Spicer and Priebus, are aware of the conference and dial-in number for that conference.

Finally, this order does not preclude defendants from moving to substitute counsel by submitting a stipulation of substitution of counsel before any of the deadlines set forth herein.

See Local Rule 1.4. If new counsel makes an appearance in advance of May 9, 2024, such new counsel shall attend the May 9, 2024 conference and be prepared for same.

SO ORDERED.

DATED: New York, New York
May 2, 2024



KATHARINE H. PARKER
United States Magistrate Judge