

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEONARD CHESTER : CIVIL ACTION  
 :  
 v. :  
 :  
 THE MAY DEPARTMENT STORE CO. :  
 t/a STRAWBRIDGE'S : NO. 98-5824

MEMORANDUM ORDER

Presently before the court is plaintiff's counsel's Motion to be Relieved as Counsel for Plaintiff and request to stay proceedings for three months so that plaintiff can attempt to secure new counsel.

In considering such a motion, the court weighs the reasons why withdrawal is sought; the prejudice withdrawal may cause to the litigants; the delay in the resolution of the case which would result from withdrawal; and, the effect of withdrawal on the efficient administration of justice. See Rusinow v. Kamara, 920 F. Supp. 69, 71 (D.N.J. 1996). See also Weintraub Brothers Co. v. Attraction House Co., Ltd., 1995 WL 234186, \*2 (E.D. Pa. Apr. 17, 1995) (denying leave to withdraw in interest of administration of justice where client unable to absorb continuing costs of litigation); Mervan v. Darrell, 1994 WL 327626, \*2 (E.D. Pa. July 8, 1994) (denying leave seven weeks before trial pool date where it appears client lacked ability to acquire new attorney or litigate case pro se); Brown v. Hyster Co., 1994 WL 102008, \*1 (E.D. Pa. Mar. 25, 1994) (denying leave for reasons of "irreconcilable differences" where withdrawal

would delay resolution of case and hinder administration of justice); Haines v. Liggett Group, Inc., 814 F. Supp. 414, 423 (D.N.J. 1993) ("even if withdrawal is otherwise appropriate" it may be denied in the interest of "maintaining fairness to litigants and preserving court's resources and efficiency"); Employers Reinsurance Corp. v. Sarris, 746 F. Supp. 560, 568 (E.D. Pa. 1990) (imminence of trial and absence of substitute counsel key factors in denying leave to withdraw).

The stated reasons for the motion are that plaintiff, who has an "extensive history of hospitalizations for psychiatric treatment and drug and alcohol abuse," engaged in unspecified verbal abuse and threats when visiting counsel's office on December 22, 1999 and that plaintiff "renege[d] on certain promises" regarding payment.

There is no suggestion that counsel was unaware of his client's history and propensities when he accepted the representation and proceeded to litigate this matter. The court clearly does not condone the conduct ascribed to Mr. Chester. The occasional venting of frustrations and emotional outbursts by litigants are not, however, altogether uncommon. Particularly where one undertakes the representation of a troubled client, one must reasonably expect some tribulation.

There is no apparent prospect of plaintiff engaging substitute counsel and he does not appear to have the ability to try his case pro se. Counsel has not demonstrated that it would

involve substantial hardship or financial burden to proceed to try this concise straightforward case in which all discovery and pretrial proceedings have concluded.

This case has been listed for trial the week of January 3, 2000 for over a month now. Pretrial submissions have been filed. Indeed, this case would have been tried early in December 1999 had the court not accommodated plaintiff's counsel's last minute letter request for a continuance. The need to search for and, if successful, begin again with new counsel would significantly delay the resolution of this case and interfere with the efficient administration of justice. Plaintiff would be prejudiced by the burden and possible further expense of attempting to secure new counsel at this stage. He would be severely prejudiced if he were ultimately required to proceed pro se.

**ACCORDINGLY**, this                      day of January, 2000, **IT IS**  
**HEREBY ORDERED** that plaintiff's counsel's Motion (Doc. #57) is  
**DENIED** and the current trial listing shall remain in effect.

**BY THE COURT:**

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**JAY C. WALDMAN, J.**