

STATE OF NORTH CAROLINA
PENDER COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
17 CVS 446

PENDER FARM DEVELOPMENT,
LLC,

Plaintiff and
Counterclaim
Defendant,

v.

NCDO, LLC,

Defendant, Counterclaim
Plaintiff, and Third-
Party Plaintiff,

v.

RAIFORD TRASK, III

Third-Party Defendant.

**ORDER STRIKING NOTICE OF
WITHDRAWAL OF APPEARANCE**

1. THIS MATTER is before the Court *sua sponte* following the filing by attorney Charnanda T. Reid, as counsel for Plaintiff Pender Farm Development, LLC (“Plaintiff”) and Third-Party Defendant Raiford Trask, III (“Trask”), on January 2, 2019 of a Notice of Withdrawal of Appearance (“Notice of Withdrawal”). (ECF No. 120.)

2. Mr. Reid made a formal appearance in this action: first, on behalf of Plaintiff in the Complaint for Declaratory Relief filed with the Court on May 5, 2017,

(ECF No. 1); and second on behalf of Trask in the Answer to Amended Counterclaim and Third Party Complaint filed with the Court on February 14, 2018, (ECF No. 54).

3. Once an attorney makes an appearance in a matter before the North Carolina General Court of Justice, he or she may not unilaterally choose to withdraw as counsel. Rule 16 of the General Rules of Practice for the Superior and District Courts provides that:

No attorney who has entered an appearance in any civil action shall withdraw his appearance, or have it stricken from the record, except on order of the court. Once a client has employed an attorney who has entered a formal appearance, the attorney may not withdraw or abandon the case without (1) justifiable cause, (2) reasonable notice to the client, and (3) the permission of the court.

N.C. R. Super. & Dist. Cts. Rule 16; *see also Smith v. Bryant*, 264 N.C. 208, 141 S.E.2d 303 (1965).¹

4. Accordingly, Mr. Reid must file a motion with the Court seeking permission to withdraw. The motion must reflect consultation with, and the position of, both Plaintiff and Trask (Mr. Reid's clients), and opposing counsel. *See* BCR 7.3.

5. THEREFORE, the Court hereby STRIKES the Notice of Withdrawal filed by Charnanda T. Reid. Mr. Reid is directed to file an appropriate motion setting forth the information required as set forth above.

¹ Rule 1.16(c) of the North Carolina Rules of Professional Conduct requires an attorney to "comply with applicable law requiring notice to or permission of a tribunal when terminating a representation" and provides that, when an attorney makes an appearance in litigation, he or she cannot withdraw as counsel of record without permission of the Court.

SO ORDERED, this the 3rd day of January, 2019.

/s/ Michael L. Robinson

Michael L. Robinson
Special Superior Court Judge
for Complex Business Cases