

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Charles E. Slingstad, SBN 89103; John J. Welsh, SBN 152744 BURKE, WILLIAMS & SORENSEN, LLP 444 S. Flower Street, 40 th Floor Los Angeles, CA 90071 TELEPHONE NO.: 213-236-0600 FAX NO.: 213-236-2700 ATTORNEY FOR (Name): Elton William Gallegly and Janice Gallegly	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California County of Ventura 01/17/2025 Brenda L. McCormick Executive Officer and Clerk By: <u>Susanne Leon</u> Deputy Clerk Susanne Leon
NAME OF COURT: VENTURA COUNTY SUPERIOR COURT STREET ADDRESS: 800 S. Victoria Avenue MAILING ADDRESS: CITY AND ZIP CODE: Ventura, California 93009 BRANCH NAME:	
CASE NAME: ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN UNIVERSITY, et al.	CASE NUMBER: 56-2021-00560108-CU-BC-VTA
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	HEARING DATE: February 19, 2025 DEPT.: 42 TIME: 8:30 a.m. BEFORE HON.: Ronda J. McKaig DATE ACTION FILED: November 15, 2021 TRIAL DATE: TBD

1. **Attorney and Represented Party.** Attorney (name): Burke, Williams & Sorensen, LLP and its individual attorneys are ☒ presently counsel of record for (name of party): Elton William Gallegly and Janice Gallegly in the above-captioned action or proceeding.
2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (describe):
 Counsel brings this motion because clients will not provide consent and change attorneys and have not obtained a new attorney to represent them. Efforts have been made through prior correspondence and substitution forms have been provided to clients and the forms have not been completed and returned, either in pro per or with new counsel. Counsel within the last 30 days has confirmed that the clients remain in residence at the address they have resided for years, which is the address used for service. The grounds for withdrawal, in good faith, which have been discussed and addressed in multiple conversations and correspondence are as follows. Clients have breached a material term of an agreement with, or obligation to, the lawyer relating to the representation, and also insist on making a claim or defense in litigation that renders it unreasonably difficult for counsel to carry out the representation effectively. Rule 1.16 (b) (1), (4), and (5). Counsel has been unable to work further with the clients' general counsel, who is not of record. Rule 1.16 (b)(7). The clients and counsel also have a disagreement regarding strategy and presentation of the future jury trial. Rule 1.16 (b) (4) (10).
☒ Continued on Attachment 2.
3. **Service**
 - a. Attorney has
 - (1) ☐ personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
 - (2) ☒ served the client by mail at the client's last known address with copies of the motion papers served with this declaration.
 - b. If the client has been served by mail at the client's last known address, attorney has
 - (1) ☒ confirmed within the past 30 days that the address is current
 - (a) ☐ by mail, return receipt requested.
 - (b) ☐ by telephone.
 - (c) ☒ by conversation.
 - (d) ☒ by other means (specify): in discussing location of recent fires

(Continued on reverse)

CASE NAME:

ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN
UNIVERSITY, et al.

CASE NUMBER:

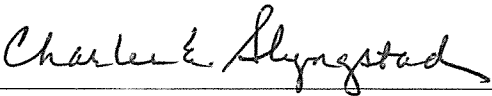
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3. b. (2) ☐ been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a) ☐ mailing the motion papers to the client's last known address, return receipt requested.
 - (b) ☐ calling the client's last known telephone number or numbers.
 - (c) ☐ contacting persons familiar with the client (*specify*):
 - (d) ☐ conducting a search (*describe*):
 - (e) ☐ other (*specify*):
- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):
4. The next hearing scheduled in this action or proceeding
- a. ☐ is not yet set.
 - b. ☒ is set as follows (*specify the date, time, and place*): January 27, 2025; 8:30 a.m., Dept. 42 Ventura County Sup. Ct.
 - c. ☒ concerns (*describe the subject matter of the hearing*): Trial Setting Conference
- ☐ Continued on Attachment 4.
5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):
- ☐ Continued on Attachment 5.
6. Trial in this action or proceeding
- a. ☒ is not yet set.
 - b. ☐ is set as follows (*specify the date, time, and place*):
7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):
Bench trial of first cause of action for declaratory relief took place in July and August 2024. Transcript exists and will be provided to new trial counsel. Jury trial of remainder of lawsuit is not yet scheduled.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: January 16, 2025

Charles E. Slyngstad

(TYPE OR PRINT NAME)

► 

(SIGNATURE OF DECLARANT)

8. Number of pages attached: 2

ATTACHMENT 2

1. The breach and disagreements have continued after the lawyer gave the clients reasonable, repeated warnings after the breach beginning in September and October 2024 that counsel will withdraw unless the clients fulfill the agreement or perform the obligations and resolve the disagreements.
2. The matter has been discussed at length orally and in detailed, confidential writings with the clients and their multiple, separate counsel who have declined to represent the clients in this lawsuit.. A true and correct copy of an email dated January 13, 2025 (without attachments) sent to the clients and copied to their counsel is attached hereto as Exhibit "A."
3. The specific facts that give rise to this motion are confidential and required to be kept confidential pursuant to Business and Professions Code section 6068(e), California Rules of Professional Conduct, Rule 1.6, and by the attorney-client privilege (Evid. Code, §§ 950, et seq.).
4. Further disclosure may be appropriate and moving counsel requests an in camera hearing to provide the Court with further information about the basis for this motion to be relieved as counsel. Such a hearing outside of the presence of all other parties has been supported by the Second District Court of Appeal in Manfredi & Levine v. Superior Court (1998) 66 Cal.App.4th 1128, 1136-1137; Rule 1.16 (b)-(c)).

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, **not** line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

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EXHIBIT A

Slyngstad, Charles E.

From: Slyngstad, Charles E.
Sent: Monday, January 13, 2025 4:04 PM
To: Elton; Janice Gallegly; Elton Gallegly
Cc: Barry Groveman; wagstaffe@ammcglaw.com; sgoo@ammcglaw.com; Welsh, John J.
Subject: Gallegly v. California Lutheran University, Case No. 56-2021`-00560108-CU-BC-VTA - Motion to be Relieved as Counsel
Attachments: Gallegly - Notice Of Motion And Motion To Be Relieved As Counsel-Civil.pdf; Gallegly - Declaration In Support Of Attorneys Motion To Be Relieved As Counsel.pdf; Gallegly Attachment 2 to Motion.pdf; Gallegly - Order Granting Attorneys Motion To Be Relieved As Counsel Civil.pdf
Sensitivity: Confidential

Dear Elton and Janice—

We have provided you with at least three (3) months of notice to obtain new counsel to represent you in the case against California Lutheran University. And as mentioned on our most recent phone call with you and your attorney, Barry Groveman, last Friday, our firm has concluded that we must file our motion to be relieved as your counsel in the case.

A final copy of the motion, declaration, and proposed order is attached. It will be served on you and filed with the court later this week.

Charlie

Charles E. Slyngstad | Partner
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cslyngstad@bwsllaw.com | vCard | bwsllaw.com



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